

RESOLUTION NO. 44

RESOLUTION OF THE BOARD OF EDUCATION OF THE ELK  
GROVE UNIFIED SCHOOL DISTRICT CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT FOR  
THE COSUMNES RIVER ELEMENTARY SCHOOL ADDITION PROJECT,  
AND MAKING CERTAIN FINDINGS RELATED THERETO

WHEREAS, on May 29, 2008, the District released a Notice of Preparation ("NOP") of a Draft Environmental Impact Report (ADraft EIR") for the proposed Cosumnes River Elementary School Addition (Athe proposed project"); and

WHEREAS, the proposed new school was proposed to be located on the 15-acre site adjacent to Jackson Road in the County of Sacramento; and

WHEREAS, on June 12, 2008, the District held a public meeting at the District offices in Elk Grove in order to seek public input on the scope of the new Draft EIR; and

WHEREAS, in preparing the Draft EIR, the District and its environmental consultant, EDAW, considered the public comments received in response to the NOP in formulating alternatives and mitigation measures for the proposed project; and

WHEREAS, on November 21, 2008, the District made available to the public a Draft EIR for the proposed project, which featured four project alternatives, including one off-site alternative (the "Northern Site Alternative"), one reduced site alternative, and two no-project alternatives ("No Project (Status Quo)" and "No Project (Year Round)"); and

WHEREAS, the publication of the Draft EIR initiated a 45-day public review period; and

WHEREAS, the District held a public hearing on the Draft EIR on December 16, 2008, but received no testimony on the document; and

WHEREAS, the District received written comments on the Draft EIR during the public review period, which ended on January 5, 2009; and

WHEREAS, such written comments were received from private individuals and from private and public entities; and

WHEREAS, all such oral and written comments have been included within, and responded to, in the Final EIR, which was released to the public on January 12, 2009; and

WHEREAS, the Final EIR consists of the following: the Draft EIR, with its appendices; verbatim comments and recommendations received on the Draft EIR; the District's responses to all significant environmental points raised during the 45-day public review period; any necessary

modifications made to the text of the Draft EIR; a list of persons, organizations, and public agencies commenting on the Draft EIR; and various appendices; and

WHEREAS, the Board now determines it appropriate to certify the Final EIR, and to approve the findings and other statements provided for herein; and

WHEREAS, the Board has reviewed the Final EIR in its entirety, and has determined that the document reflects the independent judgment of the District;

NOW, THEREFORE, the Board of Education of the Elk Grove Unified School District does hereby resolve, determine, and order as follows:

I. SECTION 1: Recitals

The above recitals are true and correct, and Board hereby so finds.

II. SECTION 2: Findings Related to Prior Proceedings

- A. The May 29, 2008, Notice of Preparation for the Draft EIR was duly prepared, noticed, and properly circulated in accordance with the provisions of CEQA and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).
- B. The November 21, 2008, Draft EIR was duly prepared, properly circulated, and completed in accordance with the provisions of the CEQA.
- C. After providing adequate public notice, the Draft EIR was duly circulated in accordance with the provisions of the CEQA.
- D. All comments received during the period of public review have been duly considered and responded to in the Final EIR, all in accordance with the provisions of CEQA.
- E. The District provided written responses to all public agency comments received on the new Draft EIR at least ten days before certification of the Final EIR pursuant to the provisions of CEQA.
- F. The Final EIR for the proposed project has been properly completed and has identified all significant environmental effects of the proposed project, and there are no known potential environmental effects that are not addressed in the Final EIR.

III.

SECTION 3: Certification of the Final EIR

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Elk Grove Unified School District as follows:

1. It is hereby certified that the Final EIR has been completed in compliance with CEQA and the CEQA Guidelines;
2. It is hereby certified that the Final EIR has been presented to the Board of Education, which has reviewed and considered the information and analysis contained therein; and
3. It is hereby certified that the Final EIR reflects the independent judgment of the Elk Grove Unified School District.

APPROVED AND ADOPTED by the Board of Education of the Elk Grove Unified School District this 20<sup>th</sup> day of January, 2009, by the following vote on roll call:

AYES: 6

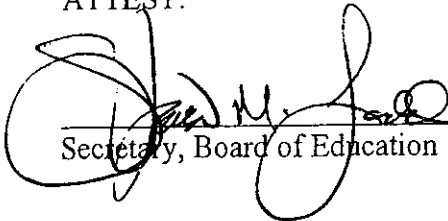
NOES: 0

ABSTAIN: 0

ABSENT: 1

  
\_\_\_\_\_  
President, Board of Education

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Education

RESOLUTION NO. 45, 2008-09

RESOLUTION OF THE BOARD OF EDUCATION OF THE ELK GROVE UNIFIED SCHOOL DISTRICT APPROVING THE COSUMNES RIVER ELEMENTARY SCHOOL ADDITION PROJECT AND DIRECTING DISTRICT STAFF TO PROCEED WITH DESIGN DEVELOPMENT, THE PREPARATION OF CONSTRUCTION DOCUMENTS, THE ACQUISITION OF STATE FUNDING, THE ACQUISITION OF ALL REQUIRED REGULATORY PERMITS, AND THE RECEIPT OF CONSTRUCTION BIDS ONCE STATE FUNDS HAVE BEEN OBTAINED

WHEREAS, in Resolution \_\_, which is incorporated by reference herein, the Board of Education ("Board") of the Elk Grove Unified School District ("District") certified (i) that the Final Environmental Impact Report ("Final EIR") prepared for the Cosumnes River Elementary School Addition ("the Project") has been completed in compliance with the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.); (ii) that the Board had reviewed and considered the information and analysis contained in the Final EIR; and (iii) that the Final EIR reflects the District's independent judgment; and

WHEREAS, the Board has concluded that the site adjacent to Jackson Road (State Road 16) at its intersection with Kiefer Boulevard within the County of Sacramento is superior to the alternative project locations in terms of its effect on the environment and its ability to implement the project objectives as stated in the Draft EIR; and

WHEREAS, the Board has concluded that construction of the addition to the existing elementary school is essential to the further implementation of District policy, and that an alternative configuration would not properly implement District policy; and

WHEREAS, in particular, the elementary school location adjacent to Jackson Road at its intersection with Kiefer Boulevard (i) meets the educational needs of elementary school students in the area of southeast Sacramento County served by the District, (ii) alleviates overcrowding that is a current condition at the existing school and allows for full implementation of class size reduction, (iii) improves access to school facilities for bus and parent pickup and dropoff, (iv) provides safe and convenient access to educational facilities for residents of the eastern Sacramento County/Rancho Murrieta community; (v) meets the California Department of Education ("CDE") recommendations and requirements to obtain state approval and funding, (v) develops an efficient and cost-effective means of increasing school capacity that allows the District to continue serving the existing school population while being a careful steward of taxpayer funds; and

WHEREAS, the Final EIR identified certain significant effects on the environment that, absent the adoption of mitigation measures, would be caused by the construction and operation of the Project; and

WHEREAS, the Board is required, pursuant to CEQA, to adopt all feasible mitigation measures or feasible project alternatives that can substantially lessen or avoid any significant

effects on the environment associated with a proposed project such as the Cosumnes River Elementary School Addition project; and

WHEREAS, as the Findings of Fact adopted as Exhibit A to this Resolution demonstrate, all of the significant effects on the environment associated with the Project can be either substantially lessened or avoided through the adoption of feasible mitigation measures, although some of these effects, though substantially lessened, will remain significant and unavoidable despite the adoption of all feasible mitigation measures; and

WHEREAS, despite the fact that feasible mitigation measures have either substantially lessened or avoided all significant effects on the environment associated with the Project, and the Board is therefore under no obligation to address the feasibility of alternatives, the Board has nevertheless chosen to consider such alternatives in the interest of full disclosure of its reasoning in approving the Project; and

WHEREAS, the Board has determined, for reasons set forth in Exhibit A hereto, that the Reduced Site and Northern Site Alternatives, as well as two No Project Alternatives (Status-Quo and Year Round), as described in the Final EIR, are either infeasible, not environmentally preferable to the Project with respect to significant unavoidable environmental effects, fail to adequately meet the Board's objectives, or suffer from some combination of these failings; and

WHEREAS, the Board is required by Public Resources Code section 21081.6, subdivision (a), to adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted by the District are actually carried out; and

WHEREAS, a Mitigation Monitoring and Reporting Plan for the Project has been prepared, and is found in Chapter 4.0 of the Final EIR, which is incorporated by reference into this resolution; and

WHEREAS, because the adopted mitigation measures have not fully mitigated or avoided all identified significant effects on the environment associated with the Project, CEQA requires the Board to adopt a Statement of Overriding Considerations, which is included as Section XIII of Exhibit A attached hereto; and

WHEREAS, Public Resources Code section 21151.8 requires a school district, prior to approving a project involving the construction of a new secondary school, to issue findings demonstrating that the district has consulted with the local air quality management district and the local "administering agency" charged with responsibility over hazardous materials regulation, in order to determine whether there are any facilities, within a quarter mile of the proposed school, that might emit hazardous air emissions or handle hazardous or acutely hazardous materials, substances, or waste; and

WHEREAS, the District has complied with its obligation to engage in such consultation with respect to the Project, as described in the "Site Selection Standards Resolution" adopted by the Board on January 20, 2009;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Elk Grove Unified School District as follows:

1. The Board hereby approves the schematic plan, design, and location for the construction of the Cosumnes River Elementary School Addition, as presented to the Board on September 2, 2008;
2. The Board hereby directs District staff to proceed with (i) further design development, (ii) the preparation of construction drawings, (iii) obtaining financing for the Project, (iv) obtaining permits and other agency approvals necessary to proceed with construction of the project, and (v) obtaining construction bids for the Project;
3. By adopting this resolution, including Exhibit A attached hereto, the Board has satisfied its obligations pursuant to Public Resources Code section 21081, subdivision (a), and CEQA Guidelines section 15091, subdivision (a), in that Exhibit A (i) identifies all feasible mitigation measures that can substantially lessen or avoid the significant effects on the environment associated with the Project, (ii) explains that all such mitigation measures have been adopted and incorporated into the Project, and (iii) explains why the Reduced Site Alternative, the Northern Site Alternative, and both No Project Alternatives (Status-Quo and Year Round) cannot feasibly and adequately satisfy the District's project objectives, as set forth in the Draft EIR;
4. Through this Resolution, which incorporates by reference and adopts the Mitigation Monitoring and Reporting Plan included in Chapter 4.0 of the Final EIR, the Board has satisfied its obligations pursuant to Public Resources Code section 21081.6, subdivision (a);
5. By adopting this resolution, including Section XIII of Exhibit A attached hereto, the Board has satisfied its obligation pursuant to Public Resources Code section 21081, subdivision (b), and CEQA Guidelines section 15093, which require the issuance of a Statement of Overriding Considerations whenever a project's environmental effects cannot be mitigated or avoided by the adoption of all feasible mitigation measures; and
6. The Board further authorizes District staff to prepare and file a Notice of Determination within five working days following the date of adoption of this Resolution with the County Clerk of the County of Sacramento and with the Governor's Office of Planning and Research of State of California, and directs that copies of the Final EIR be retained at the administrative offices of the District for review.

APPROVED AND ADOPTED by the Board of Education of the Elk Grove Unified School District this 20th day of January, 2009, by the following vote on roll call:

AYES: 6

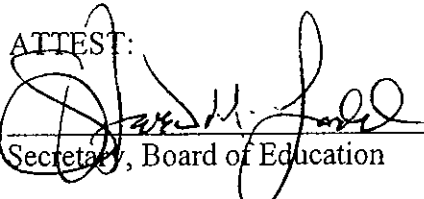
NOES: 0

ABSTAIN: 0

ABSENT: 1

  
\_\_\_\_\_  
President, Board of Education

ATTEST:

  
\_\_\_\_\_  
Secretary, Board of Education

Attachments: Exhibit A (CEQA Findings and Statement of Overriding Considerations)

ELK GROVE UNIFIED SCHOOL DISTRICT

1/21/09  
JF

Agenda Item No: 14

**Board Agenda Item**

Supplement No. \_\_\_\_\_

Meeting Date January 20, 2009

**Subject:** California Environmental Quality Act Certification  
For New Cosumnes River Elementary School Project (Elementary #34)

**Department:** Facilities and Planning

**Action Requested:**

The Board of Education is asked to: (1) Approve Resolution Number 44, 2008-09, Certifying the Final Environmental Impact Report (FEIR) for the New Cosumnes River Elementary School (Elementary #34) Project (Project); and (2) Approve Resolution Number 44, 2008-2009, (a) adopting findings under the California Environmental Quality Act (CEQA), (b) adopting a Mitigation Monitoring Program for the Project, (c) adopting a Statement of Overriding Considerations for the Project, (d) directing Administration to file a Notice of Determination for the Project, and (e) authorizing Administration to receive bids for the Project when State and/or local funds have been ascertained.

**Discussion:**

The California Environmental Quality Act (CEQA) and Board Policy require that environmental determinations be made on projects that may adversely impact the environment. The Project site encompasses approximately 21.63 +/- acres, including the existing 4.13-acre Cosumnes River Elementary School site, 15 +/- acres of land adjacent to the school, and 2.5 +/- acres on the north side of Jackson Highway (Highway 16) for the realignment of Kiefer Boulevard.

The new school facilities would consist of approximately 76,000 square feet of overall building area with 29 teaching stations (expandable to up to 40 teaching stations), a kitchen, a library, a multi-purpose building, classrooms (most of which would be housed in a two-story classroom building), administration building, an independently operated day-care center, parking, hard courts, fields, and support facilities.

EGUSD prepared a DEIR to inform agencies and the public about the potential environmental effects of the proposed Project. The DEIR was prepared in accordance with the CEQA Guidelines (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.). Section 21151(a) of CEQA specifies that a local agency must prepare an EIR for any project that it proposes to carry out or approve that may have a significant impact on the environment. This EIR is a "Project EIR" prepared pursuant to CEQA Guidelines section 15161, and is intended to address all environmental effects associated with the construction and operation of the proposed new school.

Written comments on the Project were accepted during a 45-day review period which began on November 21, 2008, and expired on January 5, 2009. In addition, public comments on the proposed Project were accepted at the December 16, 2008, Board of Education meeting. Administration has addressed public and agency comments, and these responses have been incorporated into the Final EIR (FEIR).

The Board of Education is asked to certify the FEIR for the project.

*Express family comments relative to letter*

**Financial Summary:**

Project will be funded by Developer Fees, Mello-Roos Bonds, and/or State School Building Program funds.

Prepared By: \_\_\_\_\_ Department Approval: Robert Pierce *RP*

Prepared By: \_\_\_\_\_ Superintendent Approval: Steven M. Ladd



from

**CEQA FINDINGS OF FACT AND STATEMENT OF  
OVERRIDING CONSIDERATIONS  
ELK GROVE UNIFIED SCHOOL DISTRICT**

**for the**

**Cosumnes River Elementary School Addition Project  
January 2009**

The Final Environmental Impact Report (“Final EIR” or “FEIR”) prepared for the New Cosumnes River Elementary School Addition Project (“the Project”) addresses the potential environmental effects associated with the construction of new and expanded elementary school facilities in Sloughhouse, California. These findings have been prepared to comply with the requirements of the California Environmental Quality Act (“CEQA” (Pub. Resources Code, 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., Tit. 14, 15000 et seq.). The Final Environmental Impact Report is comprised of the Final EIR, dated January 12, 2009, and the Draft Environmental Impact Report (“Draft EIR” or “DEIR”) dated November 2008. For purposes of these findings, citations will refer to the DEIR unless it has been modified by the Final EIR, in which case citations will refer to the FEIR.

**I. Definitions**

The following acronyms appear in these Findings and the FEIR and DEIR:

µg/m <sup>3</sup>	micrograms per cubic meter
µPa	Micropascals
AB	Assembly Bill
ACM	asbestos-containing materials
ADT	average daily traffic
AEP	annual exceedance probability
AERMOD	American Meteorological Society/EPA Regulatory Model
afy	acre-feet per year
AG	Attorney General
AHERA	Asbestos Hazard Emergency Response Act
ANSI	American National Standards Institute
AQAP	1991 Air Quality Attainment Plan
ARB	California Air Resources Board
ARTS	Amador Regional Transit Service

ASA	Acoustical Society of America
AT&T	American Telephone and Telecommunications, Inc.
AWWA	American Water Works Association
BACT	best available control technology
BMPs	best management practices
CAA	Clean Air Act
CAAA	Clean Air Act Amendments of 1990
CAAQS	California ambient air quality standards
Cal/EPA	The California Environmental Protection Agency
Cal/OSHA	California Occupational Safety and Health Administration
Caltrans	California Department of Transportation
CBC	California Building Code
CCAA	California Clean Air Act
CCAR	California Climate Action Registry
CCR	California Code of Regulations
CDE	California Department of Education
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFCs	chlorofluorocarbons
CFR	Code of Federal Regulations
CH <sub>4</sub>	methane
CHPS	Collaborative High Performance School
CIWMA	California Integrated Waste Management Act
CNDDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO <sub>2</sub>	carbon dioxide
County	Sacramento County
County General Plan	Sacramento County General Plan
CPUC	California Public Utilities Commission
CRHR	California Register of Historical Resources

CTR	California Toxics Rule
CWA	Clean Water Act
dB	decibel
dB/DD	doubling of distance
dBA	A-weighted sound levels
DEIR	draft environmental impact report
Delta	Sacramento–San Joaquin Delta
DFG	California Department of Fish and Game
DHS	California Department of Health Services
diesel PM	diesel exhaust
DOC	California Department of Conservation
DPH	California Department of Public Health
DTSC	Department of Toxic Substances Control
DWR	California Department of Water Resources
EFH	essential fish habitat
EGUSD	Elk Grove Unified School District
EID	El Dorado Irrigation District
EIR	environmental impact report
EMD	Environmental Management Department
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
ESA	environmental site assessments
ESU	evolutionary significant unit
FEIR	final EIR
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Maps
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gas
gpd	gallons per day
H2	hydrogeologic unit

HAP	hazardous air pollutants
HEPA	high-efficiency particulate air
HVAC	heating and cooling systems equipment
HWCL	Hazardous Waste Control Law
Hz	hertz
IGSM	Integrated Groundwater Surface Water Model
KDA	KD Anderson & Associates
lb/day	pounds per day
LDL	Larson Davis Laboratories
L <sub>dn</sub>	Day-Night Noise Level
L <sub>eq</sub>	Equivalent Noise Level
L <sub>max</sub>	Maximum Noise Level
L <sub>min</sub>	Minimum Noise Level
L <sub>n</sub>	Statistical Descriptor
LOS	level of service
MBTA	Migratory Bird Treaty Act
MCL	maximum contaminant levels
MLD	most likely descendent
MOA	memorandum of agreement
MS4	Municipal Separate Storm Sewer System
MW	megawatts
N <sub>2</sub> O	nitrous oxide
NAAQS	national ambient air quality standards
NAHC	Native American Heritage Commission
NCIC	North Central Information Center
NEPA	National Environmental Policy Act
NESHAP	national emissions standards for hazardous air pollutants
NHPA	National Historic Preservation Act
NO	nitric oxide
NO <sub>2</sub>	nitrogen dioxide
NOA	naturally occurring asbestos

NOI	notice of intent
NOP	notice of preparation
NO <sub>x</sub>	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NTR	National Toxics Rule
OAP	1994 Ozone Attainment Plan
OCP	organochlorine pesticides
OES	Governor's Office of Emergency Services
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
OWTS	on-site wastewater treatment systems
PA	public address
PG&E	Pacific Gas and Electric
PM <sub>10</sub>	particulate matter less than 10 microns in diameter
PM <sub>2.5</sub>	fine particulate matter
ppm	parts per million
PPV	peak-particle-velocity
PRC	Public Resources Code
Proposed Scoping Plan	Climate Change Proposed Scoping Plan
RACM	regulated asbestos-containing materials
RCRA	Resource Conservation and Recovery Act
RD 800	Reclamation District No. 800
RMCS D	Rancho Murieta Community Service District
RMS	root-mean-square
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SAA	Streambed Alteration Agreement
SACOG	Sacramento Area Council of Government
SB	Senate Bill
SCWA	Sacramento County Water Agency
SEL	sound exposure levels

SFNA	Sacramento Federal Ozone Nonattainment Area
SHPO	State Historic Preservation Officer
SENEL	Single Event Noise Exposure Level
SLM	sound level meter
SMAQMD	Sacramento Metropolitan Air Quality Management District
SMUD	Sacramento Metropolitan Utility District
SO <sub>2</sub>	sulfur dioxide
SO <sub>x</sub>	oxides of sulfur
SR	State Route
SSCHCP	South Sacramento County Habitat Conservation Plan
SSS	School Site Solutions
STC	Sound Transmission Class
SVAB	Sacramento Valley Air Basin
SWMP	stormwater management program
SWPPP	water pollution prevention plan
SWRCB	California State Water Resources Control Board
TAC	toxic air contaminants
T-BACT	best available control technology for toxic air contaminants
TCR	Transportation Concept Report
the project	Cosumnes River Elementary School Addition Project
TMDL	total maximum daily load
TNC	The Nature Conservancy
TNM	Traffic Noise Model
USACE	U.S. Army Corps of Engineers
USGS	U.S. Geological Survey
UST	underground storage tank
V/C	volume-to-capacity
VdB	vibration decibels
VOC	volatile organic compounds
WDR	waste discharge requirements
WSMP	Zone 40 Water Supply Master Plan

## **II. Project Description**

The Elk Grove Unified School District (EGUSD) is proposing to purchase up to 17.5 acres of property to construct improvements to Kiefer Boulevard and State Route (SR) 16, construct and operate an elementary school facility next to the existing Cosumnes River Elementary School in Sacramento County, California, and demolish and replace the existing school with outside play areas. EGUSD currently has the right to purchase the property at an agreed price by a stated date from the William Mosher, Sr., and Melba Mosher 1994 Revocable Trust and the William B. Ledbetter Trust. The expanded Cosumnes River Elementary School would have the capacity to accommodate up to approximately 988 students on a traditional school-year calendar or up to approximately 1,235 students on a year-round schedule (with up to 988 students on campus at any one time) (DEIR at 2-1).

## **III. Project Background and Objectives**

The existing Cosumnes River Elementary School was opened in 1948 and since that time has served the communities of southeastern Sacramento County, including Rancho Murieta, on a traditional (9-month) calendar. The school's enrollment has recently increased an average of 4.4% per year, from 320 in the 1998–1999 school year to 508 in the 2007–2008 school year (EGUSD 2008). The school is at design and enrollment capacity; portable classrooms have been added and modifications have been made to the facilities over time to expand classroom and administrative space (DEIR at 2-1).

Although residential development that would increase the demand for new school facilities has recently slowed, the EGUSD service area has been growing rapidly for many years, which has led to overcrowding in area schools and (in some instances) insufficient capacity to accommodate all students at their neighborhood school. EGUSD enrollment has increased an average of 3.3% each year from 52,418 in the 2002–2003 school year to 61,714 in the 2007–2008 school year (EGUSD 2008). EGUSD currently operates 40 elementary schools with an average enrollment of 824 students. Approximately 23,000 additional homes are approved for development and scheduled to be built within the EGUSD boundaries, with thousands of additional units in the planning stages. By 2010, EGUSD will need to accommodate a projected district wide enrollment of 65,000 students (an increase of 3,286 students) (DEIR at 2-1).

The Rancho Murieta community is home to approximately 80% of the students at the existing Cosumnes River Elementary School. The total population of the Rancho Murieta community increased 79% from 1990 to 2000, to more than 4,190 residents. The Sacramento Area Council of Governments (SACOG) estimates that Rancho Murieta's population was 4,885 in 2005 and is projected to be 6,189 in 2013.

These statistics support the assessment of EGUSD, as indicated in its School Facility Master Plan (EGUSD 1997, 2002), that the existing Cosumnes River Elementary School facility has reached its capacity and is unable to be expanded further on the existing property. For this reason,

EGUSD has determined that purchase of additional property and construction of new school facilities are necessary (DEIR at 2-5).

#### IV. Required Approvals and Permits

Implementation of the project requires the following approvals and actions from EGUSD:

- (1) Certification of a final Environmental Impact Report for the project under the requirements of CEQA, as amended; and
- (2) Adoption of a Mitigation Monitoring and Reporting Program;

Table 1 below describes other permits and approvals required for this project (DEIR at 1-3).

<b>Table 1</b> <b>Reviews, Permits, and Approvals for the Cosumnes River Elementary School Addition Project</b>	
<b>Agency</b>	<b>Permit or approval</b>
U.S. Army Corps of Engineers	Section 404 Nationwide Permit
U.S. Fish and Wildlife Service and U.S. Environmental Protection Agency	Endangered Species Act compliance
California Department of Education	Site approval (per Education Code Section 17213)
California Department of Transportation	Encroachment permit for SR 16 improvements
California Department of Fish and Game	Section 1602 Streambed Alteration Agreement, California Endangered Species Act compliance (if necessary)
California Department of Toxic Substances Control	Approval of Phase I environmental site assessment
California Department of Conservation	Review of Williamson Act contract cancellation (if required)
California Department of Public Health	Approval of design and operation features for tertiary wastewater treatment and disposal facilities (if constructed)
California State Lands Commission	Encroachment permit for activity in waters of the state
Central Valley Regional Water Quality Control Board	Section 401 water quality certification
Office of Public School Construction of the California Department of General Services and Division of the State Architect	Architectural plans
State Water Resources Control Board	Permit to construct and operate septic system (if constructed)
Sacramento Metropolitan Air Quality Management District	Air quality mitigation fee (if required)
Central Valley Flood Protection Board	Floodway encroachment permit
Sacramento County Department of Transportation	Design approval for realignment of Kiefer Boulevard
Sacramento Metropolitan Fire District	Site plan approval for emergency access and fire safety
Source: Compiled by EDAW in 2008.	



## **V. Project Background**

On May 29, 2008, the District released a Notice of Preparation (NOP) for the project. (DEIR, Appendix A.) The NOP contained a detailed project description and a preview of alternatives to the proposed project. The NOP solicited comments and suggestions as to the issues that should be included in the EIR. Responses were requested within a 30-day period, as required by section 15082(b) of the CEQA Guidelines.

In November 2008, the District published a Draft EIR for the Project. The District accepted comments on the Draft EIR from November 21, 2008, through January 5, 2009. The District also held a public forum meeting on December 16, 2008, to discuss content of the Draft EIR and accept public comments.

In January 2009, the District published the Final EIR for the Project. The Final EIR included responses to written comments received during the public review period for the Draft EIR; a summary of all changes, corrections, and additions made to the EIR text between the draft and final stages; and a mitigation monitoring program.

## **VI. Project Objectives**

The purpose of the proposed project is to meet the educational needs of elementary school students (kindergarten through sixth grade) in southeast Sacramento County and provide safe and convenient access to educational facilities for the residents within the attendance area of Cosumnes River Elementary School (DEIR, Exhibit 2-1). The project would relieve overcrowding at Cosumnes River Elementary School and allow for full implementation of class size reduction. The expanded elementary school would accommodate students who are currently living in the attendance area for the existing school, including some who currently attend other schools, and anticipated future residential growth within the attendance area. The attendance area boundary would not change for the new school.

The objectives of the proposed project are as follows:

- ▶ Meet the educational needs of elementary school students in the area of southeast Sacramento County served by EGUSD (as indicated by district and attendance area boundaries).
- ▶ Provide sufficient K–6 elementary school capacity to relieve school overcrowding at the existing Cosumnes River Elementary School and allow for full implementation of class size reduction.
- ▶ Improve access to school facilities for bus and parent pickup and dropoff.
- ▶ Serve as a neighborhood school that can provide safe and convenient access to educational facilities for residents of the eastern Sacramento County/Sloughhouse/Rancho Murieta community.

- ▶ Be consistent with the planning guidelines of the School Facilities Master Plan and amendments.
- ▶ Identify a site that meets California Department of Education (CDE) siting criteria and EGUSD siting guidelines (including acreage guidelines) and allows operations in accordance with CDE and EGUSD requirements to enable EGUSD to obtain state approval and funding.
- ▶ Identify an efficient and cost-effective means of increasing school capacity that will allow EGUSD to continue serving the existing school population in the interim and in the long term while being a careful steward of taxpayer funds.
- ▶

## **VII. Record of Proceedings**

For purposes of CEQA and these findings, the Record of Proceedings for the Project consists of those documents in the possession of the Elk Grove Unified School District described in Public Resources Code section 21167.6, subdivision (e), other than those documents that are subject to one or more privileges. The custodian of the record is:

Robert Pierce  
Associate Superintendent, Facilities and Planning  
Elk Grove Unified School District  
9510 Elk Grove-Florin Road, Room 206  
Elk Grove, CA 95624

The Board of Education has relied on all of these documents in reaching its decision on the Project, even if not every document was formally presented to the Board as part of the District files generated in connection with the Project. The Board has also relied on documents formally approved, issued, or certified by public agencies and therefore subject to common knowledge, including but not limited to the Sacramento County General Plan and Sacramento County Zoning Ordinance.

## **VIII. Findings Required Under CEQA**

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects[.]” (Emphasis added.) The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects.” (Emphasis added.) Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such

project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).)

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417. (*City of Del Mar*).) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Id.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715. (*Sequoyah Hills*))

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The District must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would *substantially lessen* the significant environmental effects of such projects.” (Pub. Resources Code, § 21002, emphasis added.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519–527, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the “regional traffic problem”) less-than-significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated that, “[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II*, 52 Cal.3d at p. 576.)

These findings constitute the decision makers best efforts to set forth the rationales and support for their decision under the requirements of CEQA.

## **IX. Legal Effects of Findings**

To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the

District hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the Board adopts a resolution approving the Project.

The mitigation measures are referenced in the mitigation monitoring program adopted concurrently with these findings, and will be effectuated through the process of constructing and implementing the Project.

## **X. Mitigation Monitoring and Reporting Plan**

A Mitigation Monitoring and Reporting Program (“MMRP”) was prepared for the Project, is included in the Final EIR, and was approved by the Board of Education by the same resolution that has adopted these findings. (See Pub. Resources Code, 21081.6, subd. (a)(1).) The District will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

## **XI. Significant Effects and Mitigation Measures**

The Draft EIR identified a number of significant and potentially significant environmental effects (or “impacts”) that the Project will cause. Most of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects cannot be avoided by the adoption of feasible mitigation measures or alternatives, and thus will be significant and unavoidable. One of these unavoidable significant effects can be substantially lessened by the adoption of feasible mitigation measures, but nonetheless will exceed thresholds of significance. Other significant, unavoidable effects cannot be substantially lessened or avoided. For reasons set forth in Section XI, *infra*, however, the Board has determined that all of the significant, unavoidable effects of the Project are outweighed by overriding economic, social, and other considerations.

### **A. Air Quality**

#### Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines and the professional judgment of the District’s staff and environmental consultants, the Project would result in a significant impact to land use and agriculture if it would:

- ▶ conflict with or obstruct implementation of the applicable air quality plan,
- ▶ violate any air quality standard or contribute substantially to an existing or projected air quality violation,

- ▶ result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable NAAQS or CAAQS (including releasing emissions which exceed quantitative thresholds for ozone precursors),
- ▶ expose sensitive receptors to substantial pollutant concentrations, or
- ▶ create objectionable odors affecting a substantial number of people.

In addition, based on SMAQMD's significance thresholds, an air quality impact would also be considered significant if it would:

- ▶ generate construction emissions of NO<sub>x</sub> that exceed 85 lb/day,
- ▶ generate operational emissions of ROG that exceed 65 lb/day,
- ▶ generate operational emissions of NO<sub>x</sub> that exceed 65 lb/day, or
- ▶ expose sensitive receptors to TAC emissions that exceed 10 in 1 million chances for the maximally exposed individual (MEI) to contract cancer and/or a Hazard Index of one for the MEI.

(DEIR, p. 3.2-24, 3.2-25)

**Impact 3.2-1:            Generation of Temporary, Short-Term Emissions of Criteria Pollutants and Precursors Related to Construction.** During construction of the proposed project, construction activities would generate emissions of NO<sub>x</sub> that would exceed the SMAQMD thresholds of significance and emissions of PM<sub>10</sub> that would exceed NAAQS and CAAQS. Thus emissions of criteria air pollutants and precursors related to project construction could violate or contribute substantially to an existing or projected air quality violation, expose sensitive receptors to substantial pollutant concentrations, and/or conflict with air quality planning efforts. This impact would be significant and unavoidable (DEIR p. 3.2-26).

**Finding:**            Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the significant air quality impact. No mitigation is available to render the effect less than significant. The effect therefore remains significant and unavoidable.

**Explanation:**

Construction-related activities associated with development of the proposed project would result in emissions of criteria air pollutants (e.g., PM<sub>10</sub>) and precursors (e.g., ROG and NO<sub>x</sub>) from site preparation (e.g., clearing, grading, and excavation); off-road equipment, material haul trucks, and worker commute exhaust emissions; asphalt paving; application of architectural coatings;

and other miscellaneous activities. Implementation of the exhaust emission control measures of Mitigation Measure 3.2-1 would reduce potential temporary emissions of NO<sub>x</sub> during demolition and construction to levels below SMAQMD's threshold of 85 lb/day. As discussed above, the contractor must submit a plan for approval by SMAQMD demonstrating that heavy-duty construction equipment used during construction (i.e., owned, leased, and subcontracted equipment) would achieve a 20% reduction in NO<sub>x</sub> and 45% reduction in emissions compared to the ARB fleet average at the time of construction. The SMAQMD must approve the plan prior to commencement of construction activities. As shown in Table 3.2-5 (DEIR p. 3.2-27), a 20% reduction in NO<sub>x</sub> emissions from heavy-duty construction equipment would reduce maximum daily emissions below 85 pounds per day. Thus, mass emissions of NO<sub>x</sub> would be less than significant with mitigation.

Implementation of dust control and exhaust reduction measures of Mitigation Measure 3.2-1 would also reduce construction-generated 24-hour PM<sub>10</sub> concentrations. However, resultant levels would still exceed the NAAQS of 150 µg/m<sup>3</sup> and CAAQS of 50 µg/m<sup>3</sup>. A maximum concentration of 125 µg/m<sup>3</sup> would occur along the northern side of SR 16. With mitigation, the PM<sub>10</sub> concentrations on approximately 20% of the existing school site (the western side) during construction would continue to exceed the CAAQS (50 µg/m<sup>3</sup>). This impact would remain significant and unavoidable.

### **Mitigation Measure**

- 3.2-1 The following mitigation measures shall be implemented by EGUSD or its contractors during construction (e.g., grading, demolition, building erection) of the proposed project to reduce emissions of NO<sub>x</sub> and PM<sub>10</sub>.
- The project shall provide a plan for approval by SMAQMD demonstrating that the heavy-duty (> 50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a projectwide fleet-average of 20% NO<sub>x</sub> reduction and 45% PM<sub>10</sub> reduction (e.g., use of late-model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products) compared to the most recent ARB fleet average at the time of construction. The project representative shall submit to SMAQMD a comprehensive inventory of all off-road construction equipment, equal to or greater than 50 horsepower, that will be used a total of 40 or more hours during any portion of the construction project. The inventory shall include the horsepower rating, engine production year, and total projected hours of use or amount of fuel used for each piece of equipment. The inventory shall be updated and submitted monthly throughout the duration of the project, except that an inventory shall not be required for any 30-day period in which no construction activity occurs. At least 48 hours before the use of subject heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including the start date and the name and phone number of the project manager and on-site foreperson.

- The project shall ensure that emissions from all off-road diesel powered equipment used on the project site do not exceed 40% opacity for more than 3 minutes in any 1 hour. Any equipment found to exceed 40% opacity (or Ringlemann 2.0) shall be repaired immediately, and SMAQMD shall be notified within 48 hours of identification of noncompliant equipment. A visual survey of all in-operation equipment shall be made at least weekly, and a monthly summary of the visual survey results shall be submitted throughout the duration of the project, except that the monthly summary shall not be required for any 30-day period in which no construction activity occurs. The monthly summary shall include the quantity and type of vehicles surveyed as well as the dates of each survey. SMAQMD and/or other officials may conduct periodic site investigations to determine compliance.
- The contractor shall establish a disturbance coordinator who can be contacted directly during all hours of construction activity by nearby residents and EGUSD staff regarding disturbances from dust and diesel exhaust emissions. The phone number of the disturbance coordinator shall be posted at each construction site and provided to the principal of the Cosumnes River Elementary School and nearby residents. This disturbance coordinator shall receive all public complaints about construction-related dust and exhaust, shall be responsible for determining the cause of the complaint, and shall implement any feasible measures to be taken to alleviate the problem.
- The contractor shall ensure that all demolished material, soil piles, or disturbed ground surface be wetted at an adequate frequency to prevent visible dust emissions from leaving the project site during demolition and during any subsequent disturbance of material.

Mitigation Measure 3.2-1 addresses both selection of an appropriate fleet to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions, and monitoring of fleet performance to ensure that emissions meet minimum opacity requirements, under a plan approved by SMAQMD. The same mitigation measure requires that the contractor shall establish a disturbance coordinator who can be contacted directly during all hours of construction activity by nearby residents and EGUSD staff regarding disturbances from dust and diesel exhaust emissions. The contractor shall also ensure that all demolished material, soil piles, or disturbed ground surface be wetted at an adequate frequency to prevent visible dust emissions from leaving the project site during demolition and during any subsequent disturbance of material. These conditions will be enforced by EGUSD as requirements in construction contracts and through SMAQMD plan review and approval. EGUSD has determined that these measures are necessary to reduce the magnitude of NO<sub>x</sub> and PM<sub>10</sub> emissions, however Impact 3.2-1 would remain significant and unavoidable because of anticipated PM<sub>10</sub> emissions (DEIR p. 3.2-30).

## **B. Biological Resources**



### Thresholds of Significance

Based on Section 15065(a)(1) and Appendix G of the State CEQA Guidelines an impact on biological resources would be significant if implementation of the proposed project would:

- ▶ have a substantial adverse effect, either directly or through habitat modification, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by DFG or USFWS;
- ▶ have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by DFG or USFWS;
- ▶ have a substantial adverse effect on federally protected waters of the United States, including wetlands, as defined by Section 404 of the CWA, as well as waters of the state not protected under the CWA, through direct removal, filling, hydrological interruption, or other means;
- ▶ interfere substantially with the movement of any native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- ▶ conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance;
- ▶ conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan;
- ▶ substantially reduce the habitat of any fish or wildlife species;
- ▶ cause a fish or wildlife population to drop below self-sustaining levels;
- ▶ threaten to eliminate a plant or animal community; or
- ▶ substantially reduce the number or restrict the range of an endangered, rare or threatened species.

(DEIR at p. 3.3-19)

**Impact 3.3-1: Injury or Mortality to California Tiger Salamander. Implementation of the proposed project would result in the permanent loss of potential California tiger salamander upland habitat and construction activities could result in injury or mortality should the project area be occupied. This impact would be potentially significant. (DEIR p. 3.3-20)**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The project site contains potentially suitable upland habitat for California tiger salamander. Complexes of small burrows created by voles and pocket gophers in annual grassland on hillsides on the eastern two-thirds of the project area could provide suitable upland habitat. A stock pond located on the property to the east of the project area provides potential aquatic habitat for California tiger salamanders.

No protocol-level surveys have been conducted for California tiger salamanders in the vicinity of the project site. A habitat assessment for California tiger salamander was conducted and an assessment report was submitted to the USFWS in August 2008 (EGUSD 2008a). Information consultation with USFWS was initiated, including a meeting on October 15, 2008, between EGUSD and USFWS. Based on the results of the habitat assessment and informal consultation, specific information (i.e., protocol-level surveys) is not available for USFWS to determine that California tiger salamanders do not occur in the project area. Protocol-level surveys would take 2 years to complete, but the project is anticipated to start construction next summer (2009). Because project activities would occur before protocol-level surveys could be completed, to maintain the schedule presence of California tiger salamanders is being assumed in the project area for the purposes of these findings. No aquatic habitat would be directly affected by the proposed project, but project construction could result in injury or mortality of salamanders using burrows within the project area. In addition, if California tiger salamanders use the project site, implementation of the project would result in loss of approximately 8.2 acres of suitable upland habitat for California tiger salamander. However, EGUSD has identified measures which will avoid these impacts, and thus reduce this impact to less than significant. (DEIR p. 3.3-22).

**Mitigation Measure**

3.3-1: Consult with USFWS to Develop and Implement Measures to Avoid Impacts to Aquatic Habitat and if necessary Mitigate for the Loss of Suitable Upland Habitat. EGUSD shall develop and implement measures, based on consultation with USFWS, to avoid or minimize direct and indirect effects to potential aquatic habitat for California tiger salamander in the project area; and to replace or otherwise compensate for the loss of California tiger salamander upland habitat should EGUSD, in consultation with USFWS, determine that the project would significantly impact suitable upland habitat.

Typical measures include:

- Installation of sediment and erosion control devices at the perimeter of the project work area to minimize discharge of sediment and sediment-laden water into aquatic habitat;

- Implementation of dust control measures (i.e., watering ground) during grading activities to minimize dust migration and settling in aquatic habitat;
- Monitoring of construction activities in upland habitat during grading activities to minimize potential for direct injury or mortality of California tiger salamanders that could be using the upland habitat; and
- Replacement or compensation of suitable upland habitat for California tiger salamander on a “no net loss” basis through the use of on-site or off-site preservation, restoration, enhancement, and/or management as well as other effective methods. (DEIR p. 3.3-22).

Implementation of these mitigation measures would reduce the project’s impact on California tiger salamander to a less-than-significant level by ensuring that the project will not substantially reduce the number of or restrict the range of the California tiger salamander.

**Impact 3.3-2:            Removal of Swainson’s Hawk Foraging Habitat. Implementation of the proposed project would result in the permanent removal of approximately 19 acres of potential Swainson’s hawk foraging habitat and could disturb nesting near the project site. This impact would be potentially significant. (DEIR p. 3.3-22)**

**Findings:**            Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The project site includes approximately 19 acres of potential Swainson’s hawk foraging habitat that would be permanently lost following construction. Riparian vegetation, including a number of large trees that could provide nesting habitat for Swainson’s hawks, borders the property to the south and west. Should a Swainson’s hawk nest become active near the site before development, construction activities associated with the project could result in the disturbance of nesting pairs in trees near the project area, potentially resulting in nest abandonment and mortality of chicks and eggs. In addition, two large oak trees on the project site that could provide nest sites for Swainson’s hawks will be removed during site preparation. (DEIR p. 3.3-22, 3.3-23).

**Mitigation Measure**

3.3-2:            Survey for Swainson’s Hawk Nests, Protect Found Nests, and Implement Measures to Mitigate Loss of Foraging Habitat.

Preconstruction surveys shall be conducted for active Swainson’s hawk nests on or within one-half mile of the project site. At least one survey shall be conducted no more than 14 days and no less than 7 days before any construction activity begins

between March 15 and August 15. Should nesting be discovered within the survey area, a qualified biologist shall notify DFG and no new disturbance shall occur within one-half mile of the nest until the nest is no longer active or appropriate avoidance measures are developed by EGUSD, in consultation with DFG, to ensure that the nest is adequately protected. Potential measures may include visual screening and timing restrictions for construction activity. Should an active Swainson's hawk nest be found within one-half mile of the project site, monitoring (funded by the project applicant) of active nests by a DFG-approved raptor biologist shall be required to determine if project construction is disrupting Swainson's hawks at the nest site. Exact implementation of this measure shall be based on specific information at the project site.

A minimum of 19 acres of Swainson's hawk foraging habitat shall be replaced or otherwise compensated for. Compensation of Swainson's hawk foraging habitat can be satisfied through preservation of foraging habitat through the Sacramento County Swainson's Hawk Mitigation Program or another process subject to approval by EGUSD in consultation with DFG. Because the project would affect fewer than 40 acres, Swainson's hawk habitat can be preserved through mitigation fee according to Chapter 16.130 of the Sacramento County Code. Preservation of suitable foraging habitat through conservation easement or fee title ensures that this land will not be converted from suitable foraging habitat to another land use in the future. Sacramento County uses the money generated through their fee program to purchase fee titles or conservation easements on lands which contains suitable Swainson's hawk foraging habitat. (DEIR p. 3.3-22, 3.3-23).

**Impact 3.3-3:            Loss of Habitat for Valley Elderberry Longhorn Beetle.**  
**Implementation of the proposed project could result in the loss of elderberry shrubs that provide habitat for the valley elderberry longhorn beetle. This impact would be potentially significant. (DEIR p. 3.3-23)**

**Findings:**        Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Several elderberry shrubs with stems at least 1 inch in diameter were identified in the riparian floodplain vegetation adjacent to the project site. Elderberry shrubs along the fence on the southern border of the project site could be directly affected by construction activities should construction take place within 20 feet of the shrubs or indirectly affected should construction take place with 100 feet. Construction of a stormwater drainage outfall that would discharge into the Cosumnes River could also affect elderberry shrubs should they be located within 100 feet of

the pipeline route. Indirect effects to shrubs can result from altered hydrology, excessive dust from construction, and leaching or drift of fertilizers and pesticides. (DEIR p. 3.3-23)

### **Mitigation Measure**

- 3.3-3: Avoid Disturbing Elderberry Shrubs and Implement Measures to Mitigate Shrub Losses. EGUSD and USFWS would ensure that the following measures are performed before the approval of any grading or improvement plans or any ground-disturbing activity within 100 feet of valley elderberry longhorn beetle habitat as applicable for all project phases, and on an ongoing basis as required by the mitigation plan. Disturbance of elderberry shrubs shall be avoided to the extent feasible, and where avoidance of disturbance is infeasible, impacts shall be mitigated so as to achieve no net loss of habitat values and functions. Buffers of at least 100 feet shall be established around all elderberry shrubs with stems measuring at least 1 inch in diameter at ground level. Buffers shall be clearly identified by staking or flagging. All project activity shall be prohibited within the buffer areas. If maintenance of these buffers is not feasible, consultation with USFWS shall be conducted, and the following measures shall be implemented.

Buffers of 20 feet shall be established around all elderberry shrubs with stems measuring at least 1 inch in diameter at ground level and these buffers shall be clearly identified by staking or flagging. All project activity shall be prohibited within the buffer areas. Dust control measures, such as ground watering during grading and ground disturbance activities, shall be implemented during all ground disturbing activities to prevent excessive dust from collecting on shrubs. No pesticides or herbicides shall be sprayed within 100 feet of elderberry shrubs to prevent indirect poisoning of shrubs or beetles. Any project activities occurring within 20 feet of elderberry shrubs or that would require the removal of shrubs shall result in the need to compensate for direct effects to the shrubs. Compensation typically takes the form of replacement planting of elderberry shrubs and associated native plants on-site or off-site or compensation in the form of purchase of elderberry beetle credits at a USFWS-approved conservation bank.

Implementation of these mitigation measures would reduce the project's impact on valley elderberry longhorn beetle to a less-than-significant level by preventing the restriction of the range of the species and by preventing adverse effects to the species due to habitat modification. (DEIR p. 3.3-23, 3.3-24).

- Impact 3.3-4: Loss and Degradation of Habitat for Vernal Pool Invertebrates.**  
**Implementation of the proposed project could result in the loss or degradation of habitat that could support vernal pool invertebrates.**  
**This impact would be potentially significant. (DEIR p. 3.3-24).**

**Findings:** Changes or alterations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Temporary pools associated with seasonal wetlands in the project area could support two federally listed vernal pool invertebrates (vernal pool fairy shrimp and vernal pool tadpole shrimp) should the pools remain inundated for an adequate period (18 days for vernal pool fairy shrimp and 41 days for vernal pool tadpole shrimp). The stock pond adjacent to the project site could also support these species. Both vernal pool fairy shrimp and vernal pool tadpole shrimp have been documented within 2 miles of the project site.

Filling of seasonal wetlands associated with project implementation would result in direct impacts on vernal pool fairy shrimp and vernal pool tadpole shrimp. Changes in drainage resulting from construction and recontouring of the project site and introduction of pollutants from runoff from the project could result in indirect impacts including changes in water depth, duration, and quality. Two small seasonal wetlands (totaling 0.08 acre) in the project area could support vernal pool crustaceans that would be directly impacted by project implementation. Additionally, a stock pond to the east of the project site (a maximum of 1.7 acres) and a vernal pool complex near the driveway for the SMUD station (maximum 0.14 acre) would be indirectly affected. Dry-season surveys have been conducted, and wet-season surveys are currently underway to determine whether vernal pool invertebrates are present in the vernal pools. Because potential habitat is present and the presence of special-status invertebrates is unknown, this impact is potentially significant. (DEIR p. 3.3-24).

**Mitigation Measure**

3.3-4: Avoid Disrupting Vernal Pool Habitat and Implement Measures to Mitigate Loss or Disturbance of Habitat. EGUSD, the U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers shall ensure that the following measures are performed. Ground disturbance within 250 feet of seasonal wetland habitat shall be avoided to the extent feasible and practicable. The 250-foot buffers shall be clearly identified by staking or flagging. All project activity shall be prohibited within the buffer areas. If maintenance of these buffers is not feasible, or if changes in drainage associated with project implementation are projected to result in the loss or degradation of seasonal wetlands, additional mitigation shall be required as described below.

If loss or alteration of potential habitat is determined to be unavoidable, appropriate survey measures to determine the presence or absence of vernal pool crustaceans shall be conducted. A complete survey for vernal pool crustaceans consists of sampling for either two full wet season surveys done within a 5-year period, or two consecutive seasons of one full wet season survey and one dry season survey (or one dry season survey and one full wet season survey) (USFWS 1996). Wet season surveys must begin no later than 2 weeks after their initial inundation and must be adequately

sampled once every 2 weeks until they are no longer inundated, or until they have experienced 120 days of continuous inundation. Dry season surveys require the collection of 10 soil samples after pools have dried. Surveys need to be conducted by a qualified biologist holding required permits.

If no endangered vernal pool crustaceans are found, a letter report documenting survey methods and findings shall be submitted to USFWS, and no further mitigation is necessary. Should the presence of either vernal pool tadpole shrimp or vernal pool fairy shrimp be confirmed, EGUSD shall consult with USFWS in order to ascertain whether incidental take authorization will be required. EGUSD shall develop a mitigation plan that will include measures to minimize alteration of drainage and water quality degradation, to the extent feasible, to potential vernal pool crustacean habitat. Where direct effects will occur resulting in permanent loss of vernal pool crustacean habitat, replacement or compensation of vernal pool habitat shall be required on a minimum "no net loss" basis. Typical measures to minimize alteration of drainage include ensuring that post-construction runoff flows match existing runoff flows to vernal pool crustacean habitat and designing project storm water drainage infrastructure to ensure that storm water discharge does not occur to vernal pool crustacean habitat during the dry summer months. Typical measures to minimize water quality degradation include implementation of sediment and erosion control features (silt fence, straw bales, filter fabrics, etc.) around vernal pool crustacean habitat and implementing or designing water treatment features such as sediment traps and water quality basins into storm water infrastructure to reduce sediment and pollutant load in discharges to vernal pool crustacean habitat. (DEIR p. 3.3-24, 3.3-25).

Implementation of these mitigation measures would reduce the project's impact on vernal pool crustaceans to a less-than-significant level by ensuring that there would be no substantial reduction of the number of or restriction in the range of vernal pool crustaceans due to permanent habitat modification or loss.

**Impact 3.3-5:**            **Disturbance of Nesting Raptors. Implementation of the proposed project could disturb nesting of two special status raptor species (white-tailed kite and burrowing owl) and more common raptor species on and in the vicinity of the project site. This impact would be potentially significant. (DEIR p. 33-25)**

**Findings:**            Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Riparian vegetation, including a number of large trees, borders the property to the south and west and could provide habitat for nesting raptors. In addition to white-tailed kites (a fully protected

species), common raptors such as red-shouldered hawk, red-tailed hawk, great horned owl, and American kestrel (protected under California Fish and Game Code Section 3503.5) could use the trees for nesting. Should a nest become active near the site before development begins, construction activities associated with the project could disturb nesting pairs in trees near the project site, potentially resulting in nest abandonment and mortality of chicks and eggs.

The project area could also potentially provide burrowing owl habitat and nesting burrows. Although no suitable burrows were observed during searches conducted during field surveys, any burrows on the project site that become available before construction could be colonized. Should one or more burrowing owls colonize the project site, the proposed project could result in the removal or disturbance of an active owl burrow or nest site. (DEIR p. 3.3-25)

### **Mitigation Measure**

- 3.3-5 Survey for Nesting Raptors and Prevent Nest Failure. EGUSD and California Department of Fish and Game shall ensure that the following measures are performed. To mitigate for impacts on raptors (including burrowing owl), the project applicant(s) shall retain a qualified biologist to conduct preconstruction surveys and to identify active nests on and within one-half mile of the project site and active burrows on or within 300 feet of the project site. Surveys for burrowing owls shall be conducted before construction activity begins, regardless of start date, and shall be conducted in accordance with DFG protocol (DFG 1995). Preconstruction surveys for all other raptor species shall be conducted no more than 14 days and no less than 7 days before any construction activity begins between March 15 and August 15.

If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to DFG, and no further mitigation is necessary. If occupied burrows are found in the survey area during the non-breeding season, DFG shall be consulted and a mitigation plan shall be developed. Such a plan typically consists of installation of one-way doors on all burrows to allow owls to exit, but not reenter, and construction of artificial burrows within the project vicinity, as needed. Foraging habitat for relocated pairs shall be located and permanently preserved at a minimum 6.5 acres per relocated pair. If occupied burrows are determined to contain eggs and/or young, no construction shall occur within 250 feet of the burrow until a qualified biologist, under consultation with DFG, determines young have fledged. EGUSD shall preserve a minimum of 6.5 acres of foraging habitat contiguous to the burrow until the breeding season is over or until the young have fledged.

Should nesting raptors (other than burrowing owls) be discovered within the survey area, a qualified biologist shall notify DFG and no new disturbance shall occur within one-half mile of the nest until the nest is no longer active or appropriate avoidance measures are developed in consultation with DFG to ensure that the nest is adequately protected. Potential mitigation measures would include visual screening, timing



restrictions for construction activity, and monitoring of active nests. Should an active raptor nest be found within one-half mile of the project area, monitoring (funded by the project applicant) of active nests by a DFG-approved raptor biologist shall be required to determine if project construction is disturbing raptors at the nest site. Exact implementation of this measure shall be based on specific information at the project site.

(DEIR p. 3.3-25, 3.3-26).

Implementation of these mitigation measures would reduce the project's impact on nesting raptor species to a less-than-significant level by ensuring that project activities do not impede the use of native wildlife nursery sites or, when relocation is necessary (for burrowing owls), ensuring that replacement or compensation is required so as not to substantially reduce the habitat of nesting raptors.

**Impact 3.3-6: Harm to and Habitat Loss for Northwestern Pond Turtle and Western Spadefoot Toad. Implementation of the proposed project could result in harm to northwestern pond turtles using the project area (this impact would be potentially significant) and in loss of upland habitat for pond turtles and western spadefoot toads (this impact would be less than significant). (DEIR p. 3.2-26)**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The Cosumnes River could provide suitable aquatic habitat for northwestern pond turtle and stock pond on nearby property to the east could provide breeding habitat for western spadefoot toad. The project area potentially provides upland habitat for northwestern pond turtles that can venture far from water for egg-laying and for western spadefoot toads that aestivate in deep underground burrows in grassland habitat adjacent to breeding sites. Activities associated with construction of the stormwater spillway into the Cosumnes River could result in injury or death of turtles and indirect effects to the adjacent stock pond could result in western spadefoot toad injury, mortality, or reproductive failure; therefore, this impact is potentially significant. Upland habitat for northwestern pond turtle and western spadefoot toad is common in the region of the project; therefore, the loss of upland habitat associated with project implementation is less than significant. (DEIR p. 3.2-26).

**Mitigation Measures**

3.3-6: Survey for Northwestern Pond Turtle before Construction Begins and Implement Measures to Minimize Indirect Impacts to Aquatic Habitat. EGUSD and California Department of Fish and Game shall ensure that the following actions are performed.

A qualified biologist shall conduct preconstruction surveys for northwestern pond turtle in aquatic habitat within the project construction area within 1 day of start of construction. If any pond turtles are found during surveys, the biologist shall capture and move them to suitable habitat away from the project site.

Sediment and erosion control measures as well as any water quality conditions in regulatory permits (i.e., Section 404 and Section 401 CWA permits) shall be implemented by EGUSD to ensure minimal adverse indirect effects to the water quality, functions, and values of adjacent aquatic habitat. (DEIR p. 3.3-26, 3.3-27)

Implementation of these mitigation measures would reduce the project's impact on northwestern pond turtle and western spadefoot toad to a less-than-significant level because the project would not adversely affect individuals of these special-status species, would not substantially reduce the habitat for these species in the project area, and would not cause local populations of these species to drop below self-sustaining levels.

**Impact 3.3-7: Effects on Cosumnes River Fisheries from Increased Sediment and Turbidity and Discharge of Contaminants and Stormwater.**  
**Construction activities could result in temporary effects to fisheries of the Cosumnes River related to increases in sediments and turbidity and release of contaminants and long-term effects related to discharge of stormwater into the Cosumnes River. This impact would be potentially significant. (DEIR p. 3.2-27)**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Construction of the stormwater spillway into the Cosumnes River would disturb soils adjacent to the river channel and could result in impacts on Cosumnes River fish species. In addition, earth-moving, grading, and construction activities on the project site could result in erosion during short periods of peak stormwater runoff and could result in temporary discharges of soil and construction-related contaminants into the Consumes River. Long-term effects to water quality resulting from discharge of stormwater into the Cosumnes River could degrade water quality and lead to impacts on fish. Prolonged exposure to high levels of suspended sediment reduces the tolerance of fish to disease and toxicants. Increased turbidity can also result in increased water temperature, especially in shallow quiet pools, and in turn affect dissolved oxygen levels, both effects thereby stressing respiration. Also, high levels of suspended sediments can cause the movement and redistribution of fish populations, and could diminish the character and quality of the physical habitat important to fish survival. (DEIR p. 3.3-27).

### **Mitigation Measure**

- 3.3-7: Construct Stormwater Spillway and Conduct Mass Grading During the Summer Months, Implement Sediment and Erosion Control Measures, Provide Water Quality Treatment for Stormwater Discharge to the Cosumnes River

EGUSD shall time construction of the stormwater spillway and mass grading of the project site to occur during the dry summer months when the flowing portion of the Cosumnes River is restricted to the low-flow channel located a minimum of 150 feet from the project construction area. However, any grading, earth moving, or excavation that would be done after the beginning of the wet season (typically October 31) shall require the implementation of sediment and erosion control measures (i.e., silt fence, straw bales, straw booms, etc.) along the construction perimeter to minimize the discharge of sediment and sediment-laden stormwater to the river.

Stormwater discharges from the project site would require water quality treatment before being discharged via the spillway to the river. The project shall ensure that the water quality basin contains features for the slowing of water to allow for sediment and particulate settling and vegetation along the banks for hydrocarbon, oil, and other less dense than water filtering. (DEIR at p. 3.3-27, 3.3-28)

Implementing these mitigation measures would reduce potential temporary and long-term effects on Cosumnes River fisheries to a less-than-significant level by ensuring that the project does not substantially reduce the habitat or degrade habitat quality for fish species, or interfere with the movement or establishment of spawning sites for the fish species.

**Impact 3.3-8: Removal of Protected Trees. Implementation of the project would require the removal of one native oak tree that qualifies for protection under the Sacramento County Tree Preservation Ordinance (because it has a diameter at breast height [dbh] of 6 inches or greater). Without proper mitigation, removal of individual oak trees would conflict with local ordinances, specifically the County Tree Preservation Ordinance. This impact would be direct and significant. (DEIR p. 3.3-28).**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

### **Explanation:**

Two native Valley heritage oak trees grow within the development footprint of the project. One tree with a dbh of 49.5 inches is located at the top of the hill and would be need to be removed from that location for the grading of the project site. The other tree with a dbh of 36.5 inches

grows in the southeast corner of the project site where the stormwater detention pond would be located, and would likely remain onsite in that location. These trees were surveyed by an EDAW biologist during one of the wetland delineation surveys. Both of these trees are in good health. EGUSD is investigating the possibility of moving these trees elsewhere on the project site; however, the feasibility of this plan cannot be determined at this time.

The impact of the loss of these trees on special-status wildlife is discussed above in Impacts 3.3-2 and 3.3-5. Sacramento County has adopted a tree preservation ordinance (Sacramento County Code 480 Section 1, 1981) for the purpose of protecting and preserving native oak trees. Without proper mitigation, removal of individual oak trees would conflict with the Sacramento County Tree Preservation Ordinance. This impact would be direct and significant. (DEIR p. 3.3-28).

### **Mitigation Measures**

3.3-8: Mitigate for Removal of Native Oak Trees. EGUSD shall ensure that the following measures are performed before the approval of grading, improvement, or construction plans and before any ground-disturbing activity in the project development phase involving tree removal. The two native oak trees that are in good health cannot be avoided by the project design and will be removed as part of project implementation. EGUSD shall implement the following measures:

- A permit application shall be made to the Sacramento County Director of Public Works no less than 10 days before the time desired to physically remove the tree.
- Trees that will be removed shall be replaced at an inch-for-inch ratio. A replacement tree planting plan shall be prepared by a qualified professional or licensed landscape architect and shall be submitted to the County for approval before removal of trees.
- The replacement shall consist of specimen trees (no less than a 15-gallon size) having a total combined diameter equal to the total combined diameter of the removed trees (86 inches). The tree planting plan shall include monitoring requirements and success criteria, as determined by a qualified professional, to ensure that replacement trees survive to maturity and can be reasonably expected to persist for the normal life span of the particular species being monitored. Monitoring of replacement trees shall continue for a period of 5 years following planting and trees that do not survive or meet the success criteria shall be replaced.
- Replacement on-site is expected if the affected tree cannot be relocated on the site. However, if the project site is not capable of supporting all the required replacement trees, EGUSD shall identify alternative locations at which to plant the remaining replacement trees or shall pay to the County a sum equivalent to the retail cost of the number of trees that cannot be accommodated. These funds will be deposited in the tree preservation fund maintained by the County of

Sacramento Administration and Finance Agency as set forth in Section 19.12.240 of the tree preservation ordinance. (DEIR p. 3.3-29, 3.3-29).

Implementation of these mitigation measures would reduce the project's impact on native oak trees to a less-than-significant level through replacement of trees removed at an inch-for-inch ratio.

**Impact 3.3-9: Effects on Waters of the United States and Waters of the State.**  
**Preliminary wetland delineation identified approximately 4 acres of potentially jurisdictional waters of the United States in the project area. An element of the project includes placement of stormwater spillway below the Ordinary High Water Mark ("OHWM") of the Cosumnes River, resulting in placement of fill in waters of the United States. In addition approximately 0.02 acre of seasonal wetlands (potentially non-jurisdictional waters of the United States but waters of the State) would be filled for grading of the new school site and road widening. These impacts would be significant. (DEIR p. 3.3-29)**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

A preliminary delineation of waters of the United States, including wetlands, identified approximately 4 acres of potentially jurisdictional wetlands in the project area. EGUSD is awaiting verification of the preliminary wetland delineation and expects to obtain a Nationwide Permit under Section 404 of the Clean Water Act. One potentially jurisdictional wetland, a 1.7-acre stock pond was identified to the east of the project site. The Cosumnes River, located to the south of the proposed project site, is a water of the United States. Direct impacts on the stock pond will be avoided by project design and indirect impacts to the stock pond can be minimized with construction-related BMPs and related erosion control measures. One element of the project includes construction of a stormwater spillway from the water quality basin in the southeastern corner of the project site, down an existing swale, to the Cosumnes River. Construction of the spillway will involve placement of 18-24 inch diameter cobble below the OHWM of the Cosumnes River (total 0.001 acre). This impact on waters of the United States would be considered significant in light of the significance thresholds set forth above, and Section 404 of the Clean Water Act requires authorization from USACE for any discharges of fill materials to waters of the United States.

In the preliminary wetland delineation mentioned above approximately 0.15 acre of seasonal wetlands and freshwater marsh were identified and considered to be potentially "isolated" wetlands under USACE jurisdictional determination of waters of the United States. These isolated wetlands may not meet the criteria for regulation by USACE under the CWA but are considered as waters of the State as regulated by the Central Valley RWQCB under the Porter-

Cologne Water Quality Control Act. Portions of two of the potentially “isolated” wetland features located to the west of the existing school will be filled for grading of the new school site and road widening. This impact on waters of the State would be considered significant and authorization from the Central Valley RWQCB is required for the discharge of fill materials to waters of the State. (DEIR p. 3.3-29)

### **Mitigation Measure**

- 3.3-9: Obtain Permits and Regulatory Approvals and Implement Appropriate Measures to Mitigate Impacts. EGUSD, U.S. Army Corps of Engineers, and California Department of Fish and Game shall ensure the following actions are performed before the approval of grading, improvement, or construction plans and before any ground-disturbing activity in any project development phase that would affect wetlands. Before project implementation, the wetland delineation shall be verified by USACE. Based on the verified delineation, EGUSD shall determine the exact acreage of jurisdictional wetlands and waters that would be affected by project construction and shall implement the following measures to mitigate placement of fill into waters of the United States and waters of the State:
- Obtain a CWA Section 404 permit from the USACE prior to project implementation.
  - Obtain a CWA Section 401 Water Quality Certification from the Central Valley RWQCB before project implementation.
  - Develop and implement a mitigation plan to replace or compensate for the wetland acreage affected on a minimum “no net loss” basis in accordance with USACE and the Central Valley RWQCB regulations. Mitigation shall be at a location and by methods agreeable to USACE and the Central Valley RWQCB.
  - Develop and implement a stormwater pollution prevention program (see Mitigation Measure 3.6-2). Implementation of the BMPs outlined in the stormwater pollution prevention program, as well as other guidelines and measures specified in the regulatory agencies’ permits, would minimize indirect effects to off-site adjacent waters. (DEIR p. 3.3-29, 3.3-30).

Implementation of these mitigation measures would reduce the project’s impact on wetlands and waters of the United States and waters of the State to a less-than-significant level by ensuring no substantial loss of waters of the United States and waters of the State due to replacement or compensation of wetlands and waters on a minimum no-net-loss basis.

**Impact 3.3-10: Effects on Riparian Habitat Identified in Policies and Regulations by Local Agencies, DFG, or USFWS. The project area is bordered to the south by the Cosumnes River and a narrow band of riparian woodland dominated by cottonwoods and Valley oak. A small area of this riparian**

**woodland may be directly affected by construction of a stormwater spillway. This impact would be significant. (DEIR p. 3.3-30)**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The majority of the project is located on the terrace and sloping hills well above the riparian corridor of the Cosumnes River. However, as mentioned in the previous impact statement, an element of the project implementation includes construction of a stormwater spillway from the water quality basin in the southeastern corner of the project site, down an existing swale, to the Cosumnes River. The spillway will be constructed within an existing swale that crosses through riparian woodland (as shown in Exhibit 3.3-1 of the DEIR) on the bank of the Cosumnes River. Any activity that may affect the bed, channel, or bank of a river, stream or lake or any fish, wildlife, or riparian resources associated with these water bodies would require authorization from DFG before the activities can take place. Loss of riparian habitat due to construction of the stormwater spillway would be a significant impact.

Riparian resources provide habitat and food sources for general fish and wildlife species as well as those species that are protected under state and federal regulations. DFG protects riparian habitat through several regulations and policies including the Streambed Alteration Agreement (Section 1602 of the California Fish and Game Code). Under the Streambed Alteration Agreement, DFG requires conditions of approval including revegetation measures or riparian habitat replacement or compensation for permanent loss of riparian habitat. (DEIR at p. 3.3-10).

**Mitigation Measures**

3.3-10: Obtain Streambed Alteration Agreement and Implement Appropriate Measures. EGUSD and California Department of Fish and Game shall ensure the following mitigation measure is performed before the approval of grading, improvement, or construction plans and before any ground-disturbing activity in any project development phase that would affect the bed or bank of the Cosumnes River and the associated riparian woodland.

The impact of the project's effects to riparian resources on special-status wildlife is discussed above in Impacts 3.3-2 and 3.3-5. Based on project designs, it is anticipated that construction of the stormwater spillway may require the removal of mature riparian trees and construction of the spillway will result in removal of understory riparian vegetation. The total area of soil disturbance on the bank of the Cosumnes River will be less than 0.01 acre. However, a Streambed Alteration Agreement shall nevertheless be required as well as the following measures:

- Revegetate disturbed areas with native plant species to the extent possible. For the loss of riparian trees over 4 inches diameter at breast height, tree replacement within the riparian corridor shall be required at a minimum 1:1 ratio for like-kind species.
- Coordinate with DFG to determine if any additional measures are required under the California Fish and Game Code. (DEIR p. 3.3-30, 3.3-31).

Implementation of these mitigation measures would reduce the project's impact on riparian resources to a less-than-significant level because there would be no "net loss" of riparian resources within this portion of the Cosumnes River and the project would not result in habitat reduction for fish and wildlife species that use the Cosumnes River.

## C. Cultural Resources

### Thresholds of Significance

Under criteria based on Appendix G and section 15064.5 of the State CEQA Guidelines, the EGUSD has determined that a project could have a significant impact if the project would:

- cause a substantial adverse change in the significance of a historical resource that is either listed or eligible for listing in the National Register of Historic Places, the California Register of Historic Resources, or a local register of historic resources;
- cause a substantial adverse change in the significance of a unique archaeological resource; or
- disturbance any human remains, including those interred outside of formal cemeteries.

CEQA provides that a project may cause a significant environmental effect where the project "may cause a substantial adverse change in the significance of an historical resource" (CEQA Section 21084.1 [emphasis added]). For the purposes of this EIR, the EGUSD has determined that impacts to historical resources will be significant if the project would cause a substantial adverse change in the significance of those resources. State CEQA Guidelines Section 15064.5 defines a "substantial adverse change in the significance of an historical resource" to mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (State CEQA Guidelines Section 15064.5[b][1]).

**Impact 3.4-1: Substantial Adverse Change in the Significance of a Historical or Unique Archaeological Resource under Section 15064.5. Of the cultural resources identified, only resource CA-SAC-133 presents a concern because this resource may extend into the project area. Implementation of the**



**proposed project could compromise the significance of CA-SAC-133; therefore, this impact is potentially significant. (DEIR at p. 3.4-13)**

**Findings:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The prehistoric archaeological site CA-SAC-133 occurs near the project area, and consists of the remains of a prehistoric archaeological mound, determined eligible for listing on the NRHP (DEIR p. 3.4-10). Surface investigations failed to reveal portions of the site within the project area, but the potential remains that buried deposits associated with this resource extend into the project boundaries. While previous subsurface excavations at CA-SAC-133 and monitoring of percolation test pits have failed to indicate the presence of archaeological constituents within the project boundary, Native American consultants have expressed concern that the cultural deposit extends into the project site. Impacts on resource CA-SAC-133 would be potentially significant.

**Mitigation Measures**

3.4-1: Monitor Initial Major Ground-Disturbing Activities and, if Underground Archaeological Deposits Are Uncovered during Construction, Stop Potentially Destructive Work, Assess the Significance of the Find, and Pursue Appropriate Management.

Identified cultural resources that are eligible for listing on the CRHR and/or the NRHP are considered to be historic resources. EGUSD shall hire a qualified professional archaeologist and accompanied by a Native American observer to conduct archaeological monitoring during initial major ground-disturbing activities near the mapped boundaries of CA-SAC-133. If underground archaeological deposits, including human remains, are encountered during construction and they are determined to be significant, EGUSD shall ensure that an approved treatment plan is drafted and implemented to mitigate the adverse effects. Mitigation may involve temporary avoidance, data recovery, and/or additional construction monitoring. (DEIR pp. 3.4-13, 3.4-14).

Implementation of these mitigation measures would reduce the impact on significant historic or archaeological resources to a less-than-significant level.

**Impact 3.4-2: Substantial Adverse Change in the Significance of a Unique Archaeological Resource or Subsurface Historical Resources Under Section 15064.5. Although no unique archaeological resources or subsurface historical resources have been identified on the project site, the potential exists for such a discovery because of the proximity of identified resources. The potential for unidentified historical resources or**

**unique archaeological resources to be discovered on-site makes this impact potentially significant. (DEIR at p. 3.4-13)**

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid the potentially significant environmental effect. No mitigation is available to render the effect less than significant. The effect therefore remains potentially significant and unavoidable.

**Explanation:**

Although no unique archaeological resources or subsurface resources that would qualify as historical resources have been identified on the project site, the potential exists that previously unidentified unique archaeological resources or historical resources may be discovered underground during ground disturbing work when the project is implemented. The proximity of identified and significant prehistoric resources, as discussed in DEIR Section 3.4-1, suggests that there is a substantial possibility of encountering and inadvertently damaged during construction, despite performance of feasible investigations for cultural deposits within the project area, and monitoring, as described below. (DEIR, p. 3.4-14)

**Mitigation Measures**

3.4-2 Monitor for Unique Archaeological Resources and Subsurface Historical Resources during Initial Major Ground-Disturbing Activities and, if Resources Are Discovered, Prepare and Implement a Treatment Plan.

EGUSD shall hire a qualified professional archaeologist, accompanied by a Native American observer, to conduct archaeological monitoring during initial major ground-disturbing activities. In the event that additional as-yet-unidentified resources are discovered and determined to be either historical resources or unique archaeological resources, EGUSD shall avoid impacts through project redesign to the extent feasible as determined by EGUSD. If avoidance is not feasible, EGUSD shall ensure that an approved treatment plan is prepared and implemented to recover data from those parts of the unique archaeological resource or historical resource that would be damaged or destroyed by the project. (DEIR p. 3.4-14).

Implementation of Mitigation Measure 3.4-2 will minimize or eliminate adverse impacts on unique archaeological resources to a less-than-significant level but may not mitigate impacts to historical resources to a less-than-significant level under a hypothetical scenario in which the avoidance of a substantial adverse change in the significance of such a resource is not feasible in light of project design, cost considerations, or other factors. Thus, as to subsurface historical resources, the impact is potentially significant and unavoidable

**Impact 3.4-3: Disturbance of human remains, including those interred outside of formal cemeteries. Human remains are located west of the project site, may exist on the project site, and may be disturbed during construction of the proposed project. This impact is potentially significant. (DEIR at p. 3.4-14)**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

One prehistoric archaeological habitation site with human remains has been recorded immediately west of the project site. Isolated interments and archaeological deposits may exist within the project site, outside of the previously established boundaries of the habitation site. Therefore, it is possible that unidentified archaeological resources, including human remains, may be uncovered during excavation activities. This impact would be a potentially significant impact. (DEIR p. 3.4-14, 3.4-15).

**Mitigation Measure**

3.4.3 Implement the Procedures Detailed in California Health and Safety Code Section 7050.5 and 7052 and California Public Resources Code Section 5097. EGUSD shall ensure that the following measures are performed.

California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. California Health and Safety Code Section 7050.5 and 7052 and California Public Resources Code Section 5097 detail the procedures for the treatment of discovered human remains. (See also State CEQA Guidelines Section 15064.5[e].)

In accordance with the California Health and Safety Code, if human remains are of shall stop immediately and the EGUSD or the EGUSD's designated representative shall be notified. EGUSD shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The responsibilities of the lead agency (EGUSD) for acting upon notification of a discovery of Native American human remains are identified in detail in the California Public Resources Code Section 5097.9. EGUSD or their appointed representative and the professional archaeologist will consult with a most likely descendent (MLD) determined by the NAHC and participating on a timely

basis regarding appropriate treatment of the remains and determine if additional burials could be present in the vicinity. (DEIR p. 3.4-15).

Assuming an agreement can be reached between the MLD and EGUSD or their representative, with the assistance of the archaeologist, these steps will result in minimizing or eliminating adverse impacts on the uncovered human remains. Implementation of this mitigation measure would reduce impacts on potential human remains to a less-than-significant level.

#### **D. Hazards and Hazardous Materials**

Based on Appendix G of the State CEQA Guidelines, a hazardous impact would be significant if implementation of the proposed project would:

- ▶ create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- ▶ create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- ▶ emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- ▶ be located on a site which is included on a list of hazardous materials sites compiled according to Government Code Section 65962.5 and, as a result of this location, would create a significant hazard to the public or the environment;
- ▶ be located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public use airport or within the vicinity of a private airstrip, and would, as a result of this location, create a safety hazard for people residing or working in the project area;
- ▶ impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- ▶ expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Additionally, CEQA establishes further requirements for school projects to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed. Public Resources Code Section 21151.8 provides that the environmental document for a school address whether the proposed project site is:

- ▶ the site of a current or former hazardous waste or solid waste disposal facility and, if so, whether the wastes have been removed;
- ▶ a hazardous substance release site identified by DTSC for removal or remedial action;
- ▶ a site that contains one or more pipelines, situated underground or aboveground, that carry hazardous substances, acutely hazardous materials, or hazardous wastes, unless the pipeline is a natural gas line that is used only to supply natural gas to that school or neighborhood, or other nearby schools; or
- ▶ a site that is within 500 feet of the edge of the closest traffic lane of a freeway or other busy traffic corridor.

**Impact 3.5-4: Potential Exposure of People to ACMs. ACMs are located in existing school facilities and could be a hazard during demolition activities. This impact would be potentially significant. (DEIR p. 3.5-10).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Routine ACM inspection data required of EGUSD by AHERA requirements show that nonfriable ACM remains in existing school facilities in locations and conditions anticipated by the school's management plan (EGUSD 2006). Demolition of facilities where ACMs are present would be a health hazard to construction workers and others in the vicinity of the school at the time of demolition. This impact would be potentially significant. (DEIR p. 3.5-10).

**Mitigation Measure**

3.5-4: Prepare and Implement Measures to Prevent Exposure to Asbestos. EGUSD shall ensure that the following measures are performed prior to and during demolition activities. Demolition activities shall be conducted when school is not in session. Signs warning the public of the presence of asbestos shall be placed around subject facilities prior to their demolition. Demolition shall comply with all federal, state, and local regulations intended to protect employees and the public from health hazards related to asbestos, including trace amounts. Demolition techniques shall include measures to reduce the exposure of construction workers and the environment to ACM. These measures may include, but are not limited to, the use of glove bags, impermeable drop cloths, respiratory protection and protective clothing, vacuum systems, high-efficiency particulate air (HEPA) filters, negative pressure enclosures, and the wetting of ACM material. (DEIR p. 3.5-10).

These measures will reduce this potentially significant impact to less than significant.

**Impact 3.5-6: Potential Exposure of People to Radon Gas. Although data is inconclusive, radon gas exposure may be a potential hazard at the project site and the hazards of radon exposure are great. This impact would be potentially significant. (DEIR p. 3.5-11)**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Radon sampling performed in Sacramento County and in the vicinity of the project site reveals data indicating that radon gas exposure may be a cause for concern at the project site. Specific indoor radon information for the site can only be obtained subsequent to construction of site buildings, after which radon testing would be feasible. However, site-specific geology, construction materials and methodologies, use characteristics of building occupants, and the quality of construction can all affect indoor radon results. Information available at this time is insufficient to draw a definitive conclusion regarding the potential for a radon gas hazard at the site. However, because the hazards of radon exposure are great and evidence indicates that radon levels may be elevated at the project site, this impact is considered potentially significant. (DEIR p. 3.5-11).

**Mitigation Measures**

3.5-6: Evaluate Site-Specific Geology and Site-Use Characteristics and Incorporate Radon-Resistant Construction Techniques as Appropriate. EGUSD shall be responsible for ensuring that building designs incorporate appropriate methodologies to minimize concentrations of radon gas, and for monitoring that these techniques are incorporated appropriately during construction, as follows:

Before creating new building designs for the project, a qualified professional shall consult with the California Department of Drinking Water and Environmental Management Indoor Radar Program and evaluate the radon gas potential of the specific geology at the project site. If this evaluation indicates that site-specific geologic conditions could result in a radon gas hazard, building designs shall incorporate appropriate radon-resistant construction techniques to minimize radon gas levels. These construction techniques may include, but are not limited to, a gas permeable foundation layer, plastic sheeting between the gas permeable layer and the building flooring, the sealing of foundation openings, the installation of pipe vents, or the installation of venting fans (EPA 2008). Upon completion of construction, school buildings shall be tested to determine if radon gas levels are recorded above the EPA recommended level of two Picocuries per liter. If levels exceed two Picocuries per

liter, the radon reduction system will be activated to reduce radon gas levels in the school buildings. (DEIR p. 3.5-11).

Implementation of these measures would reduce this impact to less than significant because it would ensure that radon is not present in school facilities at concentrations that exceed EPA health-based recommended levels.

## **E. Hydrology and Water Quality**

### Thresholds of Significance

Based on Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact on hydrology or water quality if implementation of the proposed project would:

- ▶ violate any water quality standards or waste discharge requirements;
- ▶ substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table;
- ▶ substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on-site or off-site;
- ▶ substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on-site or off-site;
- ▶ create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;
- ▶ otherwise substantially degrade water quality;
- ▶ place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;
- ▶ place within a 100-year flood hazard area structures that would impede or redirect flood flows; or
- ▶ expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam or inundation by seiche, tsunami, or mudflow.

**Impact 3.6-1: Potential for Short-Term Construction-Related Soil Erosion and Water Quality Impairment.** Implementation of the proposed project could cause short-term water quality degradation associated with construction and demolition activities. Areas of exposed or stockpiled soils or installation of topsoil could be subject to sheet erosion during short periods of peak stormwater runoff. Stormwater runoff could carry soil and construction- or demolition-related contaminants into local drainages that empty into the Cosumnes River. This impact is significant. (DEIR at p. 3.6-21)

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The earth-moving (i.e., cut and fill), grading, construction, and demolition activities during Phase I and Phase II of the proposed project could expose disturbed areas and stockpiled soils to winter rainfall and stormwater runoff. An estimated 50,000 cubic yards of cut material would be stockpiled on the project site during Phase I of construction in the location and for the completion of the proposed hard courts during Phase II of construction. Interior building materials and demolition debris could also be exposed to stormwater during Phase II demolition activities. If not managed properly, water used for dust suppression during construction and demolition activities could also enter drainage systems, constituting a non-stormwater or illicit discharge to the EGUSD MS4 stormwater system and ultimately into the Cosumnes River. Accidental spills of construction-related contaminants, such as fuels, oils, paints, solvents, cleaners, and concrete, could occur during construction activities at the project site, resulting in surface soil contamination. Areas of exposed or stockpiled soils could be subject to sheet erosion during short periods of peak stormwater runoff, allowing temporary discharges of soil, sediment, and construction-related contaminants to on-site drainages that empty into the Cosumnes River. Because the depth to groundwater has been estimated to be between 50 and 120 feet bgs, dewatering as part of construction activities and potential water quality impacts from dewatering are not anticipated. (DEIR at p. 3.6-21, 3.6-22).

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Mitigation Measures:**

EGUSD and Central Valley RWQCB shall ensure that performance of mitigation measures 3.6-1(a) and 3.6-1(b) would occur before any ground disturbance and would continue throughout the course of construction as conditions require.



3.6-1(a): Prepare and Implement a Stormwater Pollution Prevention Plan and Submit a Notice of Intent to the Central Valley RWQCB.

In compliance with the NPDES Permit for Discharges Related to Construction Activity, EGUSD shall prepare a site-specific SWPPP for the project and submit an NOI for coverage under the “General Permit for Discharges Related to Construction Activity” (General Permit) to the Central Valley RWQCB before any construction, demolition, or grading activities begin. For the proposed project, the SWPPP shall cover both Phase I and II construction and demolition activities and would describe site-specific and construction phase-specific activities detailing the following:

- the activities that may cause pollutant discharge (including sediment);
- BMPs, consistent with requirements of the NPDES permit, to reduce the potential for contaminated runoff, such as limiting ground-disturbing activities during the winter rainfall period, minimizing exposure of disturbed areas and soil stockpiles to rainfall, and minimizing construction work near or within drainage facilities;
- erosion and sedimentation control measures to be implemented, such as soil stabilization, mulching, silt fencing, or temporary desilting basins; good housekeeping practices such as road sweeping and dust control; and diversion measures such as use of berms to prevent clear runoff from contacting disturbed areas; and
- hazardous materials spill prevention and response measure requirements, including lists of materials proposed for use, handling and storage practices, identification of spill response equipment, spill containment and cleanup procedures, and identified regulatory notification protocols and contact phone numbers to be followed in the event of a spill. (DEIR p. 3.6-22).

In addition, the SWPPP shall prescribe the implementation, maintenance, and monitoring of all BMPs and the parties responsible for them. This is in compliance with the guidelines set forth in the SWRCB’s General Permit for construction activities.

3.6-1(b): Locate Hazardous Material Storage, Temporary Stockpiles, and Demolition Debris in Construction Staging Areas Outside of the 100-Year Floodplain and Designated Floodway.

Before construction begins, EGUSD or its contractor shall designate locations for hazardous material storage, temporary stockpiles, and demolition debris piles within staging areas outside of the 100-year floodplain. Major storage and stockpile areas shall be designated in the SWPPP, as required for NPDES General Permit coverage for construction. Other stockpile areas shall be identified in the SWPPP during the course of construction and appropriate BMPs installed accordingly. (DEIR p. 3.6-22).

Compliance with the SWPPP would help to ensure that stormwater flows would be controlled, contained, and cleaned as required by the SWRCB to a level that would minimize deposition of pollutants into the river. Implementation of regulatory requirements, including compliance with the NPDES and streambed alteration agreement (if needed), in addition to Mitigation Measure 3.6-1(a) and 3.6-1(b), would reduce the potentially significant water quality and erosion impacts from construction and demolition to a less-than-significant level. (DEIR p. 3.6-23).

**Impact 3.6-2: Potential Long-Term Degradation of Water Quality Caused by an Increase in Stormwater Runoff. Implementation of the proposed project may degrade water quality in nearby surface waters and the Cosumnes River over the long term from an increase in urban runoff from new impervious surfaces and landscape features and an increase in point-source discharges into the EGUSD's MS4 stormwater system. This impact is potentially significant. (DEIR at p. 3.6-23)**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Implementation of the proposed project would create new impervious surfaces and landscape features that would increase the volume of runoff that could cause or contribute to long-term discharges of urban contaminants (e.g., sediment, oil and grease, fuel, trash, pesticides, fertilizer) into the stormwater system and Cosumnes River receiving waters. At full project buildout, approximately 6.4 acres of the 15-acre school expansion area would be occupied by buildings, other structures or paved (impervious surfaces) and approximately 8.6 acres would be pervious surfaces such as play fields and landscaping. This would be an increase of approximately 6 acres of in impervious surfaces over existing conditions. The total stormwater discharge would increase from approximately 13 cfs to 18.3 cfs.

Water quality degradation from the discharge of urban runoff (from parking lots and other project features) occurs when stormwater or landscaping irrigation runoff enters the storm drain system carrying contaminants found in urban environments. Stormwater may encounter oil, grease, or fuel that has collected on local roadways and parking lots and convey these contaminants to the storm drainage system. Water used for irrigation of landscaped areas may encounter pesticides, herbicides, and fertilizer. Water that has encountered these chemicals but that has not been absorbed by plants and soil can enter the storm drain system and be conveyed to receiving waters. The potential discharges of contaminated urban runoff from paved and landscaped areas would increase and could also cause or contribute to adverse effects on aquatic organisms in receiving waters. The Cosumnes River is listed under CWA Section 303(d) as impaired for exotic species. Under this impairment, the Cosumnes River has no remaining assimilative capacity or ability to accommodate additional exotic species, and any increases would contribute to the impairment.

Long-term effects to water quality resulting from discharge of stormwater into the Cosumnes River during storm events could degrade water quality and lead to impacts on fish. Prolonged exposure to high levels of suspended sediment reduces the tolerance of fish to disease and toxicants. Increased turbidity can also increase water temperature, especially in shallow quiet pools, and in turn affect dissolved oxygen levels; both effects thereby stress respiration. Also, high levels of suspended sediments can cause the movement and redistribution of fish populations and could diminish the character and quality of the physical habitat important to native fish survival. For an additional discussion of impacts on native fish habitat, please refer to Section 3.3, "Biological Resources," of the DEIR.

To reduce the potential for adverse water quality impacts, project designs must comply with Sacramento County New Development Standards and Stormwater Quality Design Manual to include BMPs for stormwater quality control such as source control, runoff reduction, and treatment control measures. The proposed project would include the construction of a water quality facility that would hold stormwater runoff to remove particulates and other potential pollutants through sedimentation before the facility discharges it into the Cosumnes River. A concrete energy dissipater lined with large river rock and riprap would be constructed at the outfall to the Cosumnes River to further reduce flow velocities and the potential for sedimentation or erosion at the point of discharge. In addition, the project site and associated stormwater discharges would be managed under the EGUSD NPDES MS4 permit and stormwater management program.

Without adequate structural controls in place to treat stormwater flows before they enter the adjacent surface water and wetland areas and ultimately the Cosumnes River, long-term water quality impacts are potentially significant. (DEIR 3.6-23, 3.6-24).

### **Mitigation Measures**

- 3.6-2: Design Structural Best Management Practices to Treat Stormwater Runoff before It Reaches Off-Site Surface Waters and Seasonal Wetlands to the Northwest and East of the Project Site. EGUSD and Sacramento County Planning Department shall ensure that the following measures are performed before any project site designs are finalized.

EGUSD or its consultant shall design structural BMPs for the treatment of runoff from the northwest portion of the project site and proposed parking lot and runoff from the northeastern portion of the project site and hard courts. The runoff must be treated before it reaches off-site surface waters and seasonal wetlands. The selected BMPs shall minimize and disperse the stormwater flow velocity to the extent practicable. The selected BMPs shall also serve to enhance on-site recharge of groundwater. The structural BMPs shall be designed in accordance with the Sacramento County New Development Standards and Stormwater Quality Design Manual. BMPs may include treatments such as grass swales that may include small berms to minimize flows. (DEIR p. 3.6-24).

The combination of BMPs identified by project engineers, state and local regulatory agencies, and EGUSD's stormwater management program, combined with the additional measures implemented with Mitigation Measure 3.6-2, would substantially reduce the potential for pollutants to leave the proposed project site in stormwater runoff. Implementation of proposed project design BMPs, state and local regulatory requirements, and EGUSD's stormwater management program in addition to Mitigation Measure 3.6-2 would reduce potential water quality and erosion impacts from an increase in stormwater runoff to a less-than-significant level.

**Impact 3.6-3:            Potential Long-Term Degradation of Surface Water Quality Caused by Irrigation with Disinfected Secondary-Treated Wastewater. Implementation of the proposed project using disinfected secondary-treated wastewater has the potential to degrade water quality in the Cosumnes River over the long term through migration of applied secondary-treated effluent from subsurface irrigation drip lines at the project site into surface waters. This impact is potentially significant. (DEIR p. 3.6-24).**

**Finding:**            Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

One option for wastewater treatment at the proposed project site is construction of a disinfected secondary-treated wastewater system; this option is likely to be used, based on studies already conducted at the project site that indicate soil suitability. Implementation of the proposed project with the disinfected secondary-treated wastewater option could potentially contribute to long-term degradation of surface water quality in the Cosumnes River from irrigation of up to 4 acres of on-site pastureland with disinfected secondary-treated wastewater. Irrigation of disinfected secondary-treated wastewater at the project site could potentially contribute to an increase in pollutant loads of constituents found in wastewater (e.g., organic compounds, salts, nutrients [primarily phosphorus and nitrogen], trace metals and toxics, disinfection-resistant pathogens, emerging contaminants such as pharmaceuticals or endocrine disruptors) into surface water, if irrigation systems are not properly designed, managed, or monitored.

Surface water resources could experience adverse impacts over time if irrigation creates runoff into surface water, if underlying soil properties allow groundwater to flow into nearby water bodies, or if water is applied to soil on the project site (e.g., in the form of rain, wastewater, irrigation) in excess of plant uptake. Potential adverse impacts could cause toxicity to humans, wildlife, or plant species from chemical constituents; infection to humans from pathogens; eutrophication of surface water from nutrients (primarily phosphorus and nitrogen); or ultimately restriction of surface water resources from existing designated beneficial water uses because of extreme impairment. One of the main and most common water quality issues associated with the use of recycled water for irrigation is the accumulation of salt or excess nutrients including

nitrate in surface or groundwater. When water is used for irrigation, much of the applied water evaporates or transpires through plants. Most of the salt in the applied water is then left in the soil. This can lead to highly concentrated salt leachate migrating into surface or groundwater.

Percolation testing was conducted at the project site to incrementally characterize percolation rates in the upper 5 feet of soil in areas proposed for wastewater disposal. Geologic logs of test pit and boring locations indicated that surface soils to 5 feet bgs consist primarily of sandy clays. Tests showed that mud cracks observed at the ground surface and in exposed surface soil in test pits served as conduits for water to escape the test apparatuses. In the case of the percolation test, the escape was noted in the results as “failed to hold water” (EGUSD 2008b). The test results show the initial rapid loss of water, which is followed by a decrease that was believed to be associated with the resaturation of the desiccated soil. Additional testing was recommended (EGUSD 2008b).

That testing has been conducted as part of ongoing additional site investigations. Because extensive grading and redistribution of soil would take place during Phase 1b of project construction, project engineers have determined that the nature of native surface soils at the site is not a limitation to proper design and operation of a secondary treatment system that would be able to meet the Central Valley RWQCB’s requirements (Knibb, pers. comm., 2008).

As part of the proposed project, subsurface irrigation drip lines would be installed to reduce the potential for secondary-treated wastewater to contact the surface. Drip irrigation lines would be buried in a linear pattern approximately 2 feet apart at a depth of 6 to 10 inches bgs. Slopes from 15% to 30% would be graded and slopes over 30% would be benched to minimize erosion and to avoid water surfacing from out of the sides of the drip line trenches. Subsurface drip irrigation systems and on-site grading would reduce impact on surface water bodies from overland runoff of secondary-treated wastewater; however, it is possible that treated wastewater could migrate to the soil surface through mud cracks identified during site investigations. In addition, because surface soils have a high clay content, the hydraulic capacity of the underlying soils is limited. Vertical subsurface water movement through and away from the site, potentially entering surface water bodies, could occur if water is applied at rates exceeding plant uptake or soil infiltration. Without proper mitigation, the impacts are potentially significant. (DEIR p. 3.6-24, 3.6-25).

### **Mitigation Measures**

- 3.6-3: Conduct Site-Specific Groundwater Monitoring Studies Required for the Report of Waste Discharge and Design the Wastewater Treatment System to Comply with Waste Discharge Requirements as Required by the Central Valley RWQCB.

Before the project site designs are finalized, EGUSD or its consultant shall conduct site-specific groundwater monitoring studies as required for the Report of Waste Discharge submitted to the Central Valley RWQCB. Based on the findings of these

studies, the wastewater system shall be designed to operate in compliance with WDRs included in the operation permit, including:

- avoidance of untreated runoff entering the river from the dispersal areas,
- continued quarterly groundwater monitoring to ensure that groundwater quality is not adversely affected by operation of the system, and
- design of the dispersal areas with appropriate vegetation to allow treated wastewater to be absorbed at an optimal agronomic rate. (DEIR p. 3.6-25, 3.6-26).

Implementation of Mitigation Measure 3.6-3 and applicable regulatory requirements for wastewater reuse would reduce the long-term impacts on surface water from irrigation with disinfected secondary-treated wastewater to less-than-significant levels.

**Impact 3.6-4: Potential Long-Term Degradation of Surface Water Quality Caused by On-site Storage and Subsurface Drip Irrigation with Tertiary-Treated Recycled Water. Implementation of the proposed project may degrade water quality in the Cosumnes River over the long term through migration of stored or applied tertiary-treated recycled water from drip irrigation at the project site into surface waters. This impact is potentially significant. (DEIR p. 3.6-26).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

A second option for wastewater treatment at the proposed project site is construction of a tertiary-treated recycled water system; this option is not expected to be used, based on higher cost and complexity, but remains a possibility. Implementation of the proposed project with the tertiary-treated recycled water option could potentially contribute to long-term degradation of surface water quality in the Cosumnes River caused by subsurface drip irrigation of up to 3 acres of on-site pastureland with tertiary-treated recycled water. Irrigation with tertiary-treated recycled water at the project site could potentially contribute to an increase in pollutant loads of constituents found in recycled water (e.g., organic compounds, salts, nutrients [primarily phosphorus and nitrogen], trace metals and toxics, disinfection-resistant pathogens, emerging contaminants such as pharmaceuticals or endocrine disruptors) into surface water if irrigation systems are not properly designed, managed, or monitored.

The tertiary-treated recycled water option would require a storage pond with a surface area of up to 1 acre to store recycled tertiary-treated water in excess of irrigation water demands or for

storage during wet weather periods when recycled water drip irrigation is prohibited. Major storm or flood events could contribute to overtopping of the storage pond or flooding around the storage pond and could degrade surface water quality within the Cosumnes River. In addition, water from the storage pond could seep through the containment levees or percolate through the pond floor and migrate into the Cosumnes River.

The use of recycled water at the project site would need to comply with Central Valley RWQCB's WDR requirements and the DPH Title 22 requirements for recycled water disposal. Central Valley RWQCB restrictions and guidelines would be followed regarding antidegradation policies and the administration of recycled water to the disposal fields to prevent surface runoff of the recycled water. The Central Valley RWQCB ensures water reclamation requirements are met in accordance with the Title 22 regulations. DPH is responsible for the implementation of wastewater recycling projects.

Title 22 requires that storage pond freeboard be at least 2 feet above base flood elevation, thereby reducing the potential for overtopping. Based on proposed project designs, the area of the water storage pond elevation would be raised to a final grade between 143 and 144 feet in elevation, which is almost 20 feet higher than the estimated base flood elevation of 121 feet. The WDRs for recycled water use also established requirements for maintenance and operation of storage ponds to protect the integrity of containment levees and prevent overtopping or overflows. Maintenance requirements would also require an inspection of the structural integrity of the storage ponds. Recycled water stored within the ponds would be treated to tertiary-treated recycled water standards that would contribute less organic compounds, total suspended and dissolved solids, and nutrient pollutants than secondary-treated wastewater.

This impact is similar to Impact 3.6-3 for disinfected secondary-treated wastewater; however, because the water would be applied by a drip irrigation system, the added potential exists for off-site runoff of recycled water into surface water bodies including the Cosumnes River. The impacts on potential surface water from the tertiary-recycled water option would be reduced or occur at a slower rate than the secondary-treated wastewater because the tertiary-recycled water would be treated to meet higher water quality standards than secondary-treated wastewater.

As part of the project, slopes from 15% to 30% would be graded and slopes over 30% would be benched to minimize the potential for erosion. As mentioned above, surface soils at the site contain a high clay content; therefore, the hydraulic capacity of the underlying soils is limited. Initial percolation testing at the project site indicated that the soils at the site failed to hold water and additional testing was recommended (EGUSD 2008b). Surface water movement through and away from the site, potentially entering surface water bodies, could occur if water is applied at rates exceeding plant uptake or soil infiltration rate. Without proper mitigation, impacts are potentially significant. (DEIR p. 3.6-26, 3.6-27).

## **Mitigation Measures**

- 3.6-4: Implement Mitigation Measure 3.6-3, “Conduct Site-Specific Groundwater Monitoring Studies Required for the Report of Waste Discharge and Design the Septic System to Comply with Waste Discharge Requirements as Required by the Central Valley RWQCB.” This measure is described under Impact 3.6-3 above. (DEIR p. 3.6-27).

Implementation of Mitigation Measure 3.6-4 and applicable regulatory requirements for recycled water use would reduce the long-term impacts on surface water from on-site storage and drip irrigation with tertiary-treated recycled water to less-than-significant levels.

- Impact 3.6-5: Potential Long-Term Degradation of Groundwater Quality Caused by Irrigation with Disinfected Secondary Wastewater or Tertiary-Treated Recycled Water. Implementation of the proposed project has the potential to degrade water quality in the Cosumnes River over the long term through the discharge of secondary-treated effluent or tertiary-treated recycled water through subsurface irrigation drip lines at the project site. This impact is potentially significant. (DEIR p. 3.6-27, 3.6-28).**

- Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

### **Explanation:**

Implementation of the proposed project with either disinfected secondary-treated wastewater or tertiary-treated recycled water as a wastewater treatment option could contribute to long-term degradation of groundwater quality. The main water quality issue associated with the use of treated wastewater for irrigation is the accumulation of salt including nitrates in groundwater. When water is used for irrigation, much of the applied water evaporates or transpires through plants. Most of the salt in the applied water is left in the soil. Factors also contributing to the potential for salt accumulation are high concentrations of salt in the water supply and water softening treatment of the water supply; however, the water supply for the school system is of high quality that would not require treatment other than disinfection and contains very low salt concentrations. In addition, if the application of irrigation water exceeds plant uptake requirements, overirrigation could contribute to deep percolation of wastewater into the underlying groundwater aquifer without adequate treatment. If wastewater were to infiltrate into groundwater too rapidly and move to functioning wells, it could affect well water quality and pose a risk to human health. Another major concern for groundwater protection is the prevention of cross-connections. A cross-connection is a physical connection between a potable water system used to supply water for drinking purposes and any source containing nonpotable water through which potable water could be contaminated.



As mentioned above, the use of tertiary-treated wastewater at the project site would need to comply with Central Valley RWQCB's WDR requirements and the DPH Title 22 requirements for recycled water disposal. The Central Valley RWQCB restrictions and guidelines would be followed regarding antidegradation policies and the administration of recycled water to the dispersal fields to protect groundwater supplies. In addition, Title 22 establishes irrigation and impoundment setbacks from wells to further protect drinking water supplies. Title 17 requires the use of backflow preventers in recycled water systems and the implementation of a cross-connection control program. This impact is potentially significant. (DEIR p. 3.6-27, 3.6-28).

### **Mitigation Measures**

- 3.6-5: Implement Mitigation Measure 3.6-3, "Conduct Site-Specific Groundwater Monitoring Studies Required for the Report of Waste Discharge and Design the Wastewater Treatment System to Comply with Waste Discharge Requirements as Required by the Central Valley RWQCB." (DEIR p. 3.6-28).

Implementation of Mitigation Measure 3.6-5 and applicable regulatory requirements for recycled water use would reduce the long-term impacts on groundwater from irrigation with disinfected secondary wastewater to less-than-significant levels.

**Impact 3.6-6: Potential Degradation of Water Quality Caused by the Discontinued Use and Maintenance of Existing and/or Installation of New Septic Systems and Water Wells. Implementation of the proposed project may discontinue the need to operate or maintain existing septic systems. It may also create a need to install new septic systems and water supply or monitoring wells. Discontinued use and operation and maintenance of existing or improper construction and maintenance of new wells and septic systems could degrade surface water or groundwater water quality. This impact is significant. (DEIR p. 3.6-28).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

### **Explanation:**

Implementation of the proposed project could contribute to degradation of water quality from the discontinued use or maintenance of existing septic systems or the installation of new septic systems and water wells. Preliminary site evaluations have suggested that the existing water supply well may be replaced or refurbished and the use of the existing septic system discontinued as a result of the proposed project. According to the Phase I ESA, the existing school contains an elaborate private septic system consisting of a precast concrete septic tank. The tank holds 8,000 gallons and has three 36-inch manholes located to the south of the existing school underlying the grassy playfields. The tank is connected to 36 4-foot diameter leach pits that are 44 feet deep (EGUSD 2008c). A total of 12 water wells are located on the property. Two of the 12 wells are

water supply production wells for the existing school. As part of the hydrogeological investigation, an additional 10 wells were installed on the property.

If the new water supply well is not properly constructed with proper screening and an adequate sanitary seal, surface water runoff could migrate along the well casing to underlying groundwater and adversely contaminate groundwater quality. If the proposed septic system is not properly sited, constructed, or maintained, the system could fail and wastewater could enter into nearby waterways or underlying groundwater. Alternately, if the septic system or wells are not properly destroyed and the use and maintenance is discontinued, the old infrastructure could contribute or act as a conduit for adverse water quality impacts. Over time, these impacts could be significant. (DEIR p. 3.6-28).

### **Mitigation Measures**

#### **3.6-6: Properly Destroy or Close Septic Systems and Associated Leach Fields and/or Water Wells That Will No Longer Be Used.**

Before completion of Phase II construction, EGUSD or its consultant shall properly destroy or close septic systems and water wells that will no longer be used as a result of the proposed project. Proper destruction of septic systems and/or water wells shall be performed in accordance with Sacramento County regulations and permits and the recommendations of a qualified geotechnical engineer and/or a certified C-57 driller. County standards include:

- removing the septic tank or breaking in the top of the tank, filling the tank with sand, and covering the hole, and
- removing leach lines or the top 5 feet of seepage pits and filling the holes with dirt. (DEIR p. 3.6-28, 3.6-29).

Proposed activities shall be approved by the Sacramento County Environmental Management Department Water Protection Division.

The implementation of applicable local regulations, in addition to Mitigation Measure 3.6-6 and Mitigation Measure GEO-2 from the initial study (Appendix B of the DEIR), committed to by EGUSD in Chapter 2, "Description of the Proposed Project," of the DEIR would provide adequate mitigation to reduce any impacts on water quality caused by the discontinued use and maintenance of existing and/or installation of new septic systems and water wells would be is less than significant.

**Impact 3.6-8: Potential Long-Term Impacts on Groundwater Recharge or Use.**  
**Implementation of the proposed project may decrease groundwater recharge because of increased impervious surfaces that contribute to lowering the groundwater table. Although hydrogeologic studies show that the pumping rate at wells on the proposed project site would**

**sustainable with no discernible impact on groundwater levels, reducing groundwater recharge in an area that already has declining groundwater levels. This impact is potentially significant. (DEIR p. 3.6-30).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The proposed project would involve construction activities that would compact soil and create new impervious surfaces (e.g., parking areas, building rooftops) that contribute to reduced infiltration of water to the groundwater aquifer. At full project buildout, approximately 6.4 acres of the 15-acre school site would be covered by buildings, other structures, or paved (impervious surfaces). Approximately 8.6 acres would be pervious surfaces such as playfields and landscaping. This would be an increase of approximately 6 acres of in impervious surfaces over existing conditions.

Installation of landscaping around site facilities would retain stormwater and increase recharge of the underlying groundwater aquifer. The conversion of the 2.5 acres of impervious surface at the existing school site to playfields would somewhat offset the impact from the proposed project.

As part of the hydrogeological study that was conducted on the project site, pump tests were performed to evaluate whether increases in groundwater pumping to meet the demands of the proposed project would contribute to the lowering of the water table. Testing of the water supply from wells installed in the deeper hydrogeologic unit (H2) revealed that the water table would be able to meet the elementary schools expected water demand with very little change in water level (less than half a foot of water level change in the deeper aquifer) at a distance of a few hundred feet or more from the well. Based on aquifer analyses of shallow and deep groundwater levels during pumping test and non-pumping equilibrium conditions, groundwater extraction at a rate of at least 80 gallons per minute from a properly constructed well, screened in the H2 zone, would have little to no measurable influence on shallow groundwater or surface water in the vicinity of the project site (EGUSD 2008b).

Although hydrogeologic studies show that the pumping rate at wells on the proposed project site would be sustainable with no discernible impact on groundwater levels, the engineered soil conditions and additional impervious surfaces would minimally reduce groundwater recharge in an area that already has declining groundwater levels. This impact is potentially significant. (DEIR p. 3.6-30, 3.6-31).

## **Mitigation Measures**

- 3.6-8: Implement Mitigation Measure 3.6-2, “Design Structural Best Management Practices to Treat Stormwater Runoff before It Reaches Off-Site Surface Waters and Seasonal Wetlands to the Northwest and East of the Project Site.” (DEIR p. 3.6-31).

By helping to retain stormwater runoff on-site and allowing it to percolate into groundwater, implementation of Mitigation Measure 3.6-8 would reduce the long-term impacts on groundwater recharge or use to less-than-significant levels.

**Impact 3.6-11: Potential Long-Term Changes in Drainage and Runoff Patterns.** Implementation of the proposed project may result in the permanent alteration of drainages and runoff patterns at the project site. Soil compaction, impervious surfaces, and alteration of the natural grassy swale south of the school site would contribute to increased runoff rates and volumes. The construction of the proposed project could also result in a net loss of floodplain capacity. In addition, the outfall to the Cosumnes River would flow through the designated floodway for the Cosumnes River, which could increase flood and erosion risks. This impact is potentially significant. (DEIR p. 3.6-32).

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

### **Explanation:**

The proposed project would require substantial grading and soil movement for the placement of new structures on the site, which could substantially alter drainage courses and runoff patterns from existing conditions. The floodplain function of the Cosumnes River could also be altered during construction. Compaction of soils and construction of impervious surfaces can reduce the net amount of infiltration of rain water into the soil, thereby increasing runoff rates and volumes. No streams or rivers are located directly within the project site; however, several low-lying swales, seasonal wetlands, a stock pond, and an irrigation pond are located around the site periphery. In addition, the project site is adjacent to riparian habitat associated with the Cosumnes River. Project construction would alter the natural grassy swale located to the south of the existing school site that is currently being used to control runoff. Permanent drainage and floodplain changes could contribute to an increase in erosion, flooding, or degradations of sensitive habitats.

Preliminary drainage information for the proposed project suggests that the off-site total discharge to western and eastern adjacent properties would not increase over existing conditions; however, the stormwater flows from new impervious surfaces would be directed through culverts and discharged at a higher velocities over isolated areas than existing dispersed overland sheet flows. The preliminary grading plan indicates that construction of the new roadway alignment for

Kiefer Boulevard would also encroach on a portion of the 100-year floodplain. For these reasons, the construction of the proposed project could result in a net loss of floodplain capacity. The outfall to the Cosumnes River also would be placed within the designated floodway for the Cosumnes River. Encroachment of a project structure into the Central Valley Flood Protection Board's designated floodway and Sacramento County's identified floodplain of the Cosumnes River could result in flooding of or erosion damage to the encroaching structures, diversion of flow and increased flood risk for adjacent property, or increased erosion on adjacent property. This impact is potentially significant. (DEIR p. 3.6-32).

### **Mitigation Measures**

- 3.6-11: Prepare Drainage Study and Detailed Hydraulic Modeling to Evaluate Flooding Potentials, and Obtain Concurrence that the Project Does Not Encroach into Floodplain or Floodway or Obtain Approval of Encroaching Project Elements by Flood Protection Agencies.

Before the project site designs are finalized, EGUSD or its consultant shall retain a professional civil engineer to conduct a drainage study and detailed hydraulic model that shall include the following components:

- a drainage system report in accordance with the County Improvement Standards;
- a drainage system map including subwatershed boundaries and the property's location within the larger watershed, predevelopment and postdevelopment terrain at 1-foot contour intervals, and the location of all existing and proposed drainage features;
- a plan showing applicable proposed revisions to surface drainage flows before and after development;
- stormwater calculations by a professional civil engineer that includes sizing for retention basins, pipe sizing for storm drains, and overland flow path design;
- an evaluation of potential for increased erosion on adjacent properties from drainage and floodplain modifications; and
- a determination of the base flood elevation before and after construction.

Additional studies shall be used to finalize project design to demonstrate the following, as required by Sacramento County:

- The new construction of the outfall within the floodway will not result in any increase in the base flood elevation.
- Floodplain alteration will not raise the base flood water surface elevation along SR 16.

- Access to the school is located above the 10-year flood and no more than 1-foot deep in the 100-year flood, including Kiefer Boulevard and SR 16.
- Significant erosion or scouring would not occur on the project site or adjacent properties as a result of floodplain alteration or changes in existing drainage.
- Floodplain alteration will not raise the elevation of the base flood water surface by more than 0.10 foot, as measured at the property lines of the parcel being developed.

*Or*

The volume of floodplain that will be filled below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation to achieve no net increase in base flood elevation as determined by the floodplain administrator.

EGUSD shall provide the identified studies to the Central Valley Flood Protection Board and Sacramento County Public Works Agency. If these agencies identify encroachment by the project into the identified floodway or floodplain, EGUSD and its consultant shall work with these agencies to obtain approval for encroaching elements by reducing the impact of those encroaching elements on the flood elevation to an acceptable level (defined by Sacramento County as no more than 0.1 foot, based on hydraulic studies throughout the county that indicate this level serves as an indicator of no net increase in base flood elevation). (DEIR p. 3.6-32, 3.6-33)

Implementation of Mitigation Measure 3.6-11, local ordinances, and applicable regulatory requirements would reduce the long-term impacts from changes in drainage and runoff patterns to less-than-significant levels.

**Impact 3.6-12: Potential Flood Exposure from Encroachment of Permanent Project Features into a Floodplain or Designated Floodway. Implementation of the proposed project may increase exposure to flooding as a result of the encroachment of permanent project features into a floodplain or designated floodway. The proposed project would fill existing floodplain and place permanent structures into the floodplain. As part of the project, all buildings and aboveground features would be elevated above base flood elevations and designed in accordance with Sacramento County Improvement Standards. EGUSD would prepare an emergency handbook that outlines a plan of action for emergencies and to minimize exposure and reduce the risks associated with flooding. However, the potential for the flooding of SR 16 would remain. This impact is potentially significant. (DEIR p. 3.6-33).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Existing conditions related to hydrologic and floodplain function of the Cosumnes River would be altered as part of the proposed project. The proposed project would fill existing floodplain and place permanent structures into the floodplain including the new Kiefer Roadway alignment and recycled water storage pond, and a stormwater outfall into the designated flow path of the Cosumnes River. This could result in flooding of or damage to the encroaching structures, diversion of flood flows, and increased flood risk for adjacent properties. Portions of SR 16 and Kiefer Boulevard in the vicinity of the school are also located within the 100-year floodplain. During periods of heavy rainfall, these roadways could flood, limiting the passability of vehicles and potentially increasing the response time for emergency services to the school. Roadway flooding could also cause delays in evacuating the school in the event of potential flooding.

As part of the project, all buildings and aboveground features would be elevated above base flood elevations and designed with flood protection measures in accordance with Sacramento County Improvement Standards. Therefore, there would be minimal risk of exposing structures to flooding hazards or an increase in flooding hazards to structures. EGUSD is required under state law to prepare an emergency handbook that outlines a plan of action for emergencies such as earthquakes, fires, floods, and chemical spills. This handbook includes steps to minimize exposure and reduce the risks associated with flooding exposure. As part of the project, Kiefer Boulevard would be realigned and elevated above based flood elevations thereby improving the vehicle passability during period of flooding; however, the potential for the flooding of SR 16 would remain. This impact is potentially significant. (DEIR pp. 3.6-33, 3.6-34).

**Mitigation Measures**

3.6-12: Revise Emergency Handbook and Develop Alternative Evacuation Routes.

Before the project is approved, EGUSD or its consultant shall revise the Cosumnes River Elementary School Emergency Handbook to contain the following:

- a description of evacuation options and the evacuation routes that have been developed to protect and move students away from flood hazards,
- a description of the modes of transportation that would be used and an estimation of the traffic capacity of each designated evacuation route, and
- a designation of alternative evacuation routes designating routes that are not located within the 100-year floodway and would not exceed the existing traffic capacity. (DEIR p. 3.6-34).

Implementation of Mitigation Measures 3.6-11 and 3.6-12, local ordinances such as the Sacramento County Improvement Standards, and applicable regulatory requirements would reduce the impacts from potential flood exposure from encroachment of permanent project features into a floodplain or designated floodway to less-than-significant levels.

## **F. Noise**

Based on Appendix G of the State CEQA Guidelines and best professional judgment, an impact on nearby noise-sensitive land uses would be significant if implementation of the proposed project would:

- ▶ expose persons to or generate noise levels in excess of applicable standards (e.g., *Sacramento County General Plan* and Sacramento County Code exterior and interior noise levels as shown in Tables 3.7-2 and 3.7-4 of the DEIR [DEIR p.3.7-8]),
- ▶ result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project, as outlined in Table 3.7-7 of the DEIR (DEIR p. 3.7-12)
- ▶ result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project, as outlined in Table 3.7-7 of the DEIR (DEIR p. 3.7-12);
- ▶ expose people residing or working in the area to excessive noise levels, for a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport;
- ▶ expose people residing or working in the project area to excessive noise levels, for a project within the vicinity of a private airstrip; or
- ▶ expose persons to or generate excessive groundborne vibration or groundborne noise levels. Specifically, vibration impacts would be significant if levels exceed the Caltrans-recommended standard of 0.2 in/sec PPV regarding the prevention of structural damage for normal buildings or FTA's maximum acceptable vibration standard of 78 VdB regarding human response (i.e., annoyance) at nearby vibration-sensitive land uses (i.e., school).

**Impact 3.7-1: Short-Term Increase in Noise Levels from Construction Activities.**  
**Implementation of the proposed project would result in short-term construction activities associated with grading, building the new school, improving the roadways, and demolishing the existing school. These construction activities could expose sensitive receptors to noise levels in excess of the applicable noise standards and/or result in a**



**noticeable increase in ambient noise levels. This impact would be significant. (DEIR p. 3.7-17).**

**Finding:** Changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the significant air quality impact. No mitigation is available to render the effect less than significant. The effect therefore remains significant and unavoidable.

**Explanation:**

Construction noise levels in the proposed project vicinity would fluctuate depending on the particular type, number, and duration of usage for the varying pieces of construction equipment. The effects of construction noise largely depends on the type of construction activities occurring on any given day, noise levels generated by those activities, distances to noise-sensitive receptors, and the existing ambient noise environment in the receptor's vicinity. Construction generally occurs in several discrete stages, with each stage requiring different equipment, which has varied noise characteristics. These stages alter the characteristics of the noise environment generated on the project site and in the surrounding community for the duration of the construction process. Phase 1 of project construction is expected to begin in June 2009 in two phases: Phase 1A would involve construction of road improvements during June–September 2009, and Phase 1B would involve grading of the school expansion area and construction of most of the new school facilities from June 2009 to August 2010. Phase 2 of the proposed project, demolition of the existing Cosumnes River Elementary School and placement of fill material to create playfields, is planned to be completed in early 2011.

The site preparation phase (Phase 1B and the first portion of Phase 2) typically generates the most substantial noise levels. It is important to note that EGUSD has planned the construction schedule with the intent that major construction activity at the beginning of Phase 1B and Phase 2 would take place during 2½-month periods while students are off campus during summer break, to avoid subjecting students to the most intense noise-generating construction activities, thus reducing the overall significance of noise impacts to on-site receptors. Site preparation involves demolishing, grading, compacting, and excavating, which use the noisiest construction equipment. Site preparation equipment includes backhoes, bulldozers, loaders, excavation equipment such as graders and scrapers, and compaction equipment. Construction of large structural elements and mechanical systems could require using a crane, which may also generate substantial noise levels. Although a detailed list of construction equipment is not currently available, the primary sources of noise would likely include backhoes, compressors, bulldozers, excavators, and other related equipment. Table 3.7-11 of the DEIR (DEIR p. 3.7-18) depicts the noise levels generated by various types of construction equipment.

Construction equipment can be either mobile or stationary. Mobile equipment (e.g., loaders, graders, dozers) moves around a construction site performing tasks in a recurring manner. Stationary equipment (e.g., air compressor, generator, concrete saw) operates in a given location for an extended period of time to perform continuous or periodic operations. Thus, the location

of stationary sources during specific phases, or the effective acoustical center of operations for mobile equipment during various phases of the construction process, is important information for the noise analysis. Operational characteristics of heavy construction equipment are additionally typified by short periods of full-power operation followed by extended periods of operation at lower power, idling, or powered-off conditions.

As indicated in Table 3.7-11 (DEIR p. 3.7-18) operational noise levels for typical construction activities would generate noise levels ranging from 74 to 90 dB at a distance of 50 feet. Continuous combined noise levels generated by the simultaneous operation of the loudest pieces of equipment would result in noise levels of 93 dB at 50 feet. Accounting for the usage factor of individual pieces of equipment, topographical shielding, and absorption effects, construction activities on the proposed project site are expected to result in hourly average noise levels of 88 dB  $L_{eq}$  at a distance of 50 feet. Maximum noise levels generated by construction activities are not predicted to exceed 93 dB  $L_{max}$  at 50 feet.

The nearest off-site noise-sensitive land uses in the project vicinity are single-family residences located approximately 400 feet west and 350 feet east of the proposed project boundary, or approximately 550 feet west and 500 feet east of the acoustical center of the site. Noise from localized point sources (such as construction sites) typically decreases by 6–7.5 dB with each doubling of distance from source to receptor. Conservatively assuming an attenuation rate of 6 dB per doubling of distance, construction operations and related activities are predicted to generate exterior hourly noise levels of 67 dB  $L_{eq}$  at the nearest off-site sensitive receptor, when propagated from the acoustical center of construction operations.

On-site noise-sensitive receptors include students who would be occupying classrooms 150 feet from the acoustical center of the project site (Table 3.7-12, DEIR p. 3.7-19). The playfield activity area at the existing school is oriented such that direct line of site to construction activities would be partially shielded by the existing school classrooms. The acoustical shielding provided by on-site buildings would result in a noise level reduction of 3–5 dB at the receptor. Resultant noise levels at nearby on-site receptors would be less than 68 dB  $L_{eq}$  at the playfield area. On-site classrooms located closest to the construction area would experience much higher noise levels because of their close proximity to operating construction equipment, approximately 125 feet. It is predicted that construction noise would be 80 dB  $L_{eq}$  at the nearest classroom building façade during the site preparation phase. Assuming an average exterior-to-interior noise reduction of 25 dB with windows and doors closed (which is appropriate for permanent buildings but may not occur with portable buildings such as those on the western side of the existing school site), interior noise levels could exceed the 45 dB  $L_{dn}$  standard required for classrooms by 10 dB, which would be considered a substantial increase. At portable buildings at the western side of the existing school site interior noise levels would be expected exceed the 45 dB  $L_{dn}$  standard by a greater margin because of the reduce noise attenuating characteristics of these buildings. While construction activities are exempt from noise standards, this impact is nonetheless considered significant an unavoidable because of the impact on classroom activities and sensitive receptors.

Construction activities would result in a substantial (i.e., more than 3–5 dB) temporary increase in ambient noise levels at nearby noise-sensitive land uses. EGUSD intends to conduct the most intense noise-generating construction activities during summer breaks in 2009 and 2010; however, schedule slippage could result in these extreme noise periods taking place during a brief portion of the school year. Furthermore, if construction activities occur before 6 a.m. or after 8 p.m., project-generated noise levels would exceed the Sacramento County noise standards for nearby sensitive receptors. As a result, construction-generated noise would be considered a significant short-term impact. (DEIR p. 3.7-17 to 3.7-20).

### **Mitigation Measures**

#### **3.7-1: Implement Measures to Reduce Short-Term Noise Level Increases from Construction Activities.**

To reduce short-term noise level increases from construction activities, the Elk Grove Unified School District (EGUSD) shall require that contractors implement the following measures during construction activities:

- Construction equipment shall be properly maintained in accordance with manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps). All mobile impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded.
- Construction operations and related activities associated with the proposed project shall comply with the operational hours outlined in the Sacramento County Code Noise Ordinance: construction operations shall be limited to between the hours of 6 a.m. and 8 p.m. on weekdays and beginning at 7 a.m. through 8 p.m. on Saturday; Saturdays commencing at 8 p.m. through and including 7 a.m. on the next following Sunday; and on each Sunday after the hour of 8 p.m.
- Construction equipment shall not idle for extended periods of time near noise-sensitive receptors.
- Fixed/stationary equipment (e.g., generators, compressors, rock crushers, cement mixers) shall be located as far as possible from noise-sensitive receptors. All fixed/stationary impact tools shall be shrouded or shielded, and all in-take and exhaust ports on powered construction equipment shall be muffled or shielded.
- If periods of intense construction activity would take place during the school year, consider erecting temporary barriers along the existing school's western boundary, next to existing classrooms. The barriers should wrap the entire distance of the southern boundary of the existing playfield, breaking the line of sight between the source and receptor where modeled levels exceed applicable standards. All acoustical barriers shall be constructed with material having a minimum surface

weight of 2 pounds per square foot or greater and a demonstrated Sound Transmission Class (STC) rating of 25 or greater as defined by the American Society for Testing and Materials' Test Method E90. Placement, orientation, size, and density of acoustical barriers shall be specified by a qualified acoustical consultant. (DEIR p. 3.7-20).

Implementation of Mitigation Measure 3.7-1 and compliance with requirements identified in Sacramento County Code would reduce construction-generated noise levels by 15–25 dB at noise-sensitive receptors on the existing school grounds during the brief periods when extreme construction noise periods might take place during the school year, resulting in exterior noise levels between 55 dB and 65 dB. If noise blankets are installed as described in Mitigation Measure 3.7-1, permanent classrooms, portable classrooms, and the playfield area would benefit from additional noise-level reduction and the noise levels shown in Table 3.7-12 of the DEIR (DEIR p. 3.7-19) would decrease by approximately 5-6 dB. Interior noise levels at the nearest portable classroom would be reduced to less than 65 dB  $L_{eq}$  but would remain elevated during periods of intense construction activity; noise levels at the playfield area would be reduced to less than 60 dB  $L_{eq}$ . Construction noise is exempted from the 45 dB noise limit by Sacramento County standards as long as activities take place between 6 a.m. and 8 p.m. However, construction operations are expected to result in a substantial temporary or periodic increase of more than 3–5 dB in ambient noise levels in the proposed project area above levels existing without the project, a substantial increase from existing conditions. A conservative approach to construction noise impacts indicates that, even with implementation of Mitigation Measure 3.7-1, if students are on campus during the intense early period of construction activity during Phases 1B and 2, short-term construction-generated noise levels at the portable classrooms would be a significant and unavoidable impact. Because there is no further feasible mitigation beyond the actions identified in Mitigation Measure 3.7-1, this impact remains significant and unavoidable.

**Impact 3.7-3: Increase in Long-Term Noise Levels at Noise-Sensitive Receptors Related to stationary Noise Sources During Project Operations. Implementation of the proposed project would result in increases in stationary-source noise associated with use of the proposed school. Increases in stationary-source noise attributable to the project would result in a negligible and imperceptible increase in noise for all operational noise sources (the public address system, parking lot activities, on-site driving, and playfield activities) except mechanical HVAC sources. The proposed design of the school site does include rooftop parapets for each building; however, the potential for HVAC noise impacts still exists. Therefore, this impact is potentially significant. (DEIR p. 3.7-22).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Operation of several stationary noise sources would be part of the proposed project. The DEIR identified the mechanical HVAC equipment as a stationary source that could, absent mitigation, result in significant noise impacts (DEIR p. 3.7-23).

**Mechanical HVAC Equipment**

HVAC equipment could be a primary noise source for sensitive receptors near individual HVAC units. HVAC equipment is often mounted on rooftops, located on the ground, or located within mechanical rooms. The noise sources could take the form of fans, pumps, air compressors, chillers, or cooling towers. Based on the HVAC unit schedule provided by Rainforth Grau Architects, the proposed project is assumed to include Carrier 48PG Centurion single-packaged rooftop mechanical systems ranging from 2 tons of cooling capacity to 16 tons of cooling capacity (Lovin, pers. comm., 2008). Packaged rooftop units contain all necessary mechanical equipment (such as fans, pumps, condenser, and compressors) within a single enclosure. Noise levels generated by packaged HVAC systems can be modeled in relation to the required cooling capacity for the unit, measured in tons of refrigeration (Bolt, Beranek, and Newman 1981:7-1-7-21). Based on the cooling capacity and respective locations of the packaged systems, noise levels for mechanical HVAC systems are predicted to range between 53.3 dB and 60.9 dB  $L_{eq}$  at 50 feet. As a result, HVAC equipment would exceed the County's noise level performance standard of 50 dB  $L_{eq}$  for noise-sensitive uses affected by non-transportation noise during the daytime period (Table 3.7-2, DEIR p. 8), and result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The preliminary design of the school site does include rooftop parapets for each building; however, the potential for HVAC noise impacts still exists. Therefore, this impact is significant. (DEIR 3.7-22, 3.7-24).

**Mitigation Measures**

- 3.7-3: Implement Measures to Decrease Long-Term Noise Levels Related to Operation of Mechanical HVAC Units at the Proposed Project Site.

EGUSD shall require that, during construction of proposed school facilities, contractors construct localized noise barriers or rooftop parapets around the HVAC, cooling towers, and mechanical equipment so that line of sight (and thus noise transmission) to the noise source from on-site noise-sensitive receptors is blocked. (DEIR p. 3.7-24).

Implementation of Mitigation Measure 3.7-3 and compliance with requirements identified in the Sacramento County Code would reduce on-site HVAC noise levels by 5–8 dB at noise-sensitive receptors on the existing school grounds, resulting in exterior noise levels between 45 dB and 55 dB. Therefore, mechanical HVAC noise levels would be reduced to a less-than-significant impact.

## **G. Transportation and Circulation**

Based on Appendix G of the State CEQA Guidelines and standards established in the *Sacramento County General Plan* or by Caltrans, an impact on transportation and circulation would be significant if implementation of the proposed project would:

- ▶ degrade operation at a signalized study intersection from LOS A through LOS D to LOS E through F;
- ▶ increase the volume-to-capacity (V/C) ratio by more than 0.05 at signalized intersections that operate or will operate in future conditions at unacceptable LOS;
- ▶ degrade operation at an unsignalized study intersection from LOS A through LOS D to LOS E through F and also cause the intersection to meet a signal warrant;
- ▶ increase delay by more than 5.0 seconds at a movement/approach at unsignalized study intersections already operating at an unacceptable LOS that already satisfies a warrant;
- ▶ degrade roadway segment operations from LOS A through LOS D to LOS E through F;
- ▶ increase the V/C ratio by more than 0.05 at roadway segments that are already operating at unacceptable levels;
- ▶ result in an appreciable number of pedestrians or bicyclists along routes where no designated bicycle facilities or pedestrian walkways exist;
- ▶ substantially increase hazards caused by a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses;
- ▶ create a demand for public transit services substantially above that which is provided, or planned to be provided, by local transit providers or disrupt or interfere with existing or planned public transit services or facilities; and
- ▶ result in inadequate parking capacity.

The Sacramento County General Plan also identifies significance criteria that address the transportation network. Policy CI-22 states that Sacramento County shall apply the following LOS standards for planning roads in the unincorporated area:

- ▶ Rural collectors: LOS D (roads in the project area)
- ▶ Urban area roads: LOS E

The County General Plan states that the County may proceed with additional capacity projects within the scope of the adopted transportation plan when the board of supervisors has determined that the implementation of all feasible measures that will reduce travel demand in the affected corridor will not provide the target LOS.

Further, County General Plan policy CI-23 states that new development that results in LOS worse than those standards in policy CI-22 or the 1993 LOS, whichever is worse, shall not be approved unless traffic impacts are mitigated. Such mitigation may be in the form of capacity improvements to either the roadway system, the transit system, or both, or demand reduction measures included in the project design, or operation, or both. Although EGUSD strives to comply with General Plan policies and zoning standards of this kind where feasible, the District, through a two-thirds vote of the Board of Education, can opt not to comply with County standards of this kind (Gov. Code Sections 53094 and 53097).

**Impact 3.8-2:           Increases in Traffic Volumes Resulting in Unacceptable LOS under the 2025 with Project Condition for Intersection Operations. Under the 2025 with Project conditions, three of the study area intersections would degrade to unacceptable LOS and would exceed the County's V/C threshold. This impact is considered significant. Widening of SR 16 would be required to reduce projected traffic impacts on SR 16 to an acceptable LOS. (DEIR p. 3.8-18).**

**Finding:**           Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

**Explanation:**

As indicated in Tables 3.8-15 and 3.8-16 of the DEIR (DEIR at p. 3.8-19), under the 2025 with Project condition the anticipated street system (i.e., including approved improvements) would not be able to absorb the traffic generated by long-term growth in eastern Sacramento County along with the operation of a 988-student school. LOS F conditions are projected under both Sacramento County and Caltrans guidelines at the SR 16/Kiefer Boulevard intersection, the SR 16/Dillard Road intersection, and the SR 16/Latrobe Road intersection at full enrollment. All three intersections also exceed the County's V/C threshold. This is a significant impact.

**Mitigation Measures**

3.8-2a:    Design the Proposed School to Accommodate Future Widening of SR 16 as a Fair-Share Contribution to the Cost of the Road Widening.

EGUSD shall contribute its fair share to the cost of widening SR 16 to four lanes; this fair share contribution shall be satisfied by designing the new school site and its access in a manner that will accommodate future SR 16 widening by Caltrans and/or

Sacramento County. Design of the property frontage on SR 16 shall be coordinated with Caltrans and/or Sacramento County to ensure that the property accommodates anticipated right-of-way requirements for the widening.

The geometry required to meet minimum LOS standards is shown in Draft EIR Exhibit 3.8-12. Widening SR 16 to four lanes would yield LOS D or better conditions, as noted in Table 3.8-18 of the DEIR (DEIR p. 3.8-20). Caltrans has identified the need to widen SR 16 at some time in the future to accommodate increased future traffic on the highway. School trips from new enrollment represent 4.5% and 10.5% of the total traffic through the SR 16/Dillard Road and SR 16/Kiefer Boulevard intersections, respectively, under cumulative 2025 conditions. However, the school is an attraction for traffic generated by new growth, not a generator of new regional traffic. Thus, EGUSD's fair-share contribution shall be satisfied by designing the new school site and its access in a manner that will accommodate future SR 16 widening by Caltrans and/or Sacramento County. Exhibit 3.8-12 shows traffic volumes and lane configurations that are projected for this mitigation measure. (DEIR p. 3.8-18).

- 3.8-2b: Contribute Fair-Share Funds Toward Future Widening of Latrobe Road. EGUSD shall contribute its fair share to mitigating cumulative impacts on the SR 16/Latrobe Road intersection by contributing to the cost of widening the southbound Latrobe Road approach to the SR 16/Latrobe Road intersection to accommodate a separate right-turn lane. Trips resulting from new enrollment represent 6.9 % of the total a.m. peak hour traffic through the SR 16 / Latrobe Road intersection under cumulative conditions. The fair share shall be in proportion to the traffic impact of the school. With this improvement, the level of peak-hour traffic would not warrant traffic signals and the project's impact would be less than significant. (DEIR p. 3.8-18).

Although Caltrans has identified the intent to construct a four-lane SR 16, this intent and Mitigation Measure 3.8-2a do not ensure that SR 16 will be widened to four lanes concurrent with the traffic increase from expanded school enrollment and identified cumulative traffic growth. To fully mitigate this impact EGUSD would have to commit to widening SR 16 to four lanes, which is not reasonable or feasible. In addition, neither Sacramento County nor Caltrans has identified plans to improve the SR 16/Latrobe Road intersection; as a result, no program is in place to collect funds toward the improvements identified in Mitigation Measure 3.8-2b. Because funding is uncertain or unidentified to complete the necessary improvements, and because EGUSD's fair-share contribution does not ensure implementation of the necessary improvements either before or subsequent to the future impact resulting from 2025 traffic conditions with the proposed project, this impact remains significant and unavoidable.

- Impact 3.8-3: Roadway Safety Issues on SR 16. The proposed new traffic signal on SR 16 could affect the overall flow of traffic on SR 16. The distance between the existing traffic signal at the SR 16/Dillard Road intersection and the proposed new traffic signal is less than Caltrans' preferred distance. During initial consultation with Caltrans, the**



**effects of a new signal on a rural highway in a location that sees occasional winter fog was noted as a traffic safety hazard. This is considered a potentially significant impact. (DEIR p.3.8-21).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

Implementation of the proposed project would result in a new traffic signal on SR 16. The distance between this new signal and the existing SR 16/Dillard Road traffic signal would be approximately 1,400 feet, less than the 1,500 feet preferred by Caltrans for rural areas. The new exit from the school onto SR 16 is proposed with separate left-turn, through, and right-turn lanes that are long enough to accommodate peak-period queues without extending back into the through travel lanes. During initial consultation with Caltrans, the effects of a new signal on a rural highway in a location that sees occasional winter fog was noted. Safety hazards relating to the location of the proposed new traffic signal on SR 16 are a potentially significant impact. (DEIR p. 3.8-21).

**Mitigation Measure**

3.8-3: Consult with Caltrans Regarding Design of the SR 16/Kiefer Boulevard/School Access Traffic Signal and, if Required, Provide Advance Warning Signs or Illumination.

EGUSD shall consult with Caltrans regarding the design of the SR 16/Kiefer Boulevard/school access traffic signal. If required by Caltrans, design of the signalized intersection shall include advance warning signs with a flashing beacon on westbound SR 16 in advance of the school site and/or illumination or some similar means of alerting drivers to the existence of the upcoming traffic signal at the project site. (DEIR p. 3.8-21).

Implementation of Mitigation Measure 3.8-3 would reduce this impact to a less-than-significant level.

**Impact 3.8-4: Safety Hazards from Parking and Loading during Normal School Operations. The proposed project would exceed the number of necessary parking spaces and would also create adequate loading and unloading areas. However, some parents may elect to park or drop off and/or pick up students along SR 16 or Kiefer Boulevard. This could create a safety hazard. Therefore, impacts regarding parking and loading are considered potentially significant. (DEIR p. 3.8-21).**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

**Explanation:**

The proposed project would include 165 designated on-site parking spaces for staff and visitors and space for an additional 50 vehicles along the site access road and bus loading area, for a total parking capacity of 215 vehicles. On-site parking is intended to accommodate staff and visitors as well as parents waiting to pick up children after school. In general, the sum of staff vehicles and autos driven by waiting parents is in the range of 1 for every 6 to 7 students. Thus, the proposed project would likely have 140 to 160 vehicles parked on-site after school. The proposed on-site parking supply exceeds this requirement. Separate on-site loading areas for buses and for parent drop-off consist of a parent drop-off area that is approximately 300 feet long and a 120-foot-long area for bus drop-off. Therefore, the proposed project provides adequate loading areas. While adequate parking and loading spaces are available for regular activities, it is likely that some parents would elect to park along SR 16 or Kiefer Boulevard and drop off and/or pick up students. This could create a safety hazard that is potentially significant. (DEIR p. 3.8-2, 3.8-22).

**Mitigation Measure**

3.8-4: Provide Signs and Education about Parking and Loading.

Prior to opening the school, EGUSD shall work with Sacramento County and Caltrans to identify an appropriate package of school zone signing and parking controls to minimize pedestrian activity at uncontrolled locations along school frontage. In addition, EGUSD shall educate parents and students about the safety concerns related to on-street drop-off and pick-up. (DEIR p. 3.8-22).

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact 3.8-5: Safety Hazards Associated with Parking and Loading during Extracurricular Events. The proposed project could accommodate the additional parking and loading demand associated with extracurricular events. However, it is likely that some visitors would elect to park along SR 16 and Kiefer Boulevard and walk onto the project site, regardless of the availability of on-site parking. This could create safety conflicts between automobiles and pedestrians. This safety issue is a potentially significant impact. (DEIR p. 3.8-22)**

**Finding:** Changes or alternations have been required in, or incorporated into, the Project that avoid the potentially significant environmental effect as identified in the Final EIR.

### **Explanation:**

The proposed project could involve up to 800 people on campus during extracurricular events, which could result in the demand for 320 parking spaces. This would exceed the regular parking supply. The site plan suggests that a total of 215 vehicles can be accommodated in parking stalls, in the loading area and along the internal circulation loop. The proposed project would require that, to accommodate parking for extracurricular events, hard-court areas be made available for overflow parking. This proposed site plan could accommodate the projected parking demand. However, under these circumstances it is likely that some visitors would elect to park along SR 16 and Kiefer Boulevard and walk onto the site, regardless of the availability of on-site parking. This could create safety conflicts between automobiles and pedestrians. This safety issue is a potentially significant impact.

### **Mitigation Measure**

3.8-5: Develop a Parking Management Plan.

EGUSD, Sacramento County, and Caltrans shall implement a parking management plan for large events that directs traffic to hard-court parking and identifies problem locations where on-street parking may need to be prohibited during these events. (DEIR p. 3.8-22).

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

## **H. Cumulative Impacts**

- (1) *Air Quality:* The Project would have a cumulatively considerable incremental contribution to cumulatively significant and unavoidable regional impacts related to both construction-related emissions of particulate matter and long-term project operations. (DEIR, p. 5-7 to 5-8.)

Finding: As described in Section 3.2, “Air Quality,” of the DEIR, changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the Project’s cumulatively considerable contribution to a cumulatively significant air quality impact. No mitigation is available to render the effect less than significant. The effect therefore remains significant and unavoidable.

Explanation: Implementation of mitigation identified in Section 3.2 would reduce potential temporary emissions of NO<sub>x</sub> during construction to levels below SMAQMD’s threshold; however, emissions of PM<sub>10</sub> would not be reduced to levels below national or California ambient air quality standard thresholds.

Assuming that all related projects would also implement all feasible construction emission control measures consistent with SMAQMD guidelines, construction emissions on some of the related projects may be less than significant, although it is likely that larger projects identified in Table 5-2 of the DEIR would result in significant and unavoidable air quality impacts on their own. This impact cannot be more precisely determined because related projects would develop on their own schedules, some of which are not known. It would, thus, be speculative to try to add together the various projects with their differing and changing schedules. However, given the large scale of development that would occur with the related projects, taken in total and combined with the nonattainment status of the SVAB for ozone and PM<sub>10</sub> and other development that would occur in the SVAB, these cumulative projects would result in a significant and unavoidable cumulative air quality impact related to construction. Although construction of the proposed project would take place during 2009–2011, whereas many of the related projects would be constructed over the next 15–20 years or more, implementation of the proposed project would result in a significant impact from the generation of NO<sub>x</sub> and PM<sub>10</sub>. Therefore, the proposed project would result in a cumulatively considerable contribution to this significant and unavoidable cumulative air quality impact.

Operation-related activities of the proposed project would result in project-generated mass emissions of reactive organic gases (ROG), NO<sub>x</sub>, and PM<sub>10</sub>. The gross emissions and net increase in operational emissions associated with implementation of the proposed project would not exceed any of the SMAQMD's operational thresholds of significance. At the project level, the proposed project would not contribute substantially to any existing or projected air quality violation and would not conflict with efforts to reach attainment of any air quality standards.

However, long-term operational emissions from related projects, considered in light of the nonattainment status of the air basin, would be cumulatively significant. Related projects would similarly contribute to a degree, and their relative level of contribution is generally related to their size. Emissions attributable to the proposed project (cumulative development is listed in Table 5-2 of the DEIR) and emissions from other reasonably foreseeable future projects in SVAB as a whole would continue to contribute to long-term increases in emissions that would exacerbate existing and projected nonattainment conditions. Thus, the proposed project would result in a cumulatively considerable (and thus significant) incremental contribution to a significant and unavoidable cumulative long-term impact on air quality related to project operations.

- (2) *Transportation and Circulation:* Development of the Project would result in a cumulatively considerable incremental contribution to significant regional transportation impacts. (DEIR, pp. 5-15 to 5-16.)

Finding: As described in Section 3.8, “Transportation and Circulation,” of the DEIR, changes or alterations have been required in, or incorporated into, the Project that substantially lessen, but do not avoid, the Project’s cumulatively considerable contribution to a cumulatively significant traffic impact. No mitigation is available to render the effect less than significant. The effect therefore remains significant and unavoidable.

Explanation: Without development of the proposed project, the signalized SR 16/Dillard Road intersection will operate at LOS F during both the a.m. and p.m. peak hours. Under the 2025 Cumulative condition, the SR 16/Dillard Road intersection will also operate at LOS F during the a.m. and p.m. peak hours. Because the SR 16/Dillard Road intersection is already projected to exceed the minimum LOS, project-related traffic increases are evaluated in terms of the change V/C ratio. Project-related traffic during the a.m. peak hour would exceed the 0.05 threshold adopted by Sacramento County.

The SR 16/Kiefer Boulevard intersection would operate at LOS F without development of the proposed project, and a traffic signal is warranted. Under a condition whereby the access is changed but no school enrollment occurs, the intersection would operate at LOS F with a V/C of 1.19 in the a.m. peak hour. The change in V/C resulting from the enrollment increase is 0.06, which exceeds the 0.05 threshold employed by the County.

Side street traffic at the SR 16/Latrobe Road intersection will operate with LOS F with or without the proposed project. The significance of project impacts is linked to the incremental increase in delay and satisfaction of traffic signal warrants. The increase in the average length of delays at the intersection exceeds the 5.0-second threshold employed by Sacramento County.

Projected operations of roadway segment on SR 16 would exceed adopted standards with and without the project. The incremental change in V/C ratio associated with the school would be less than the 0.05 increment employed by Sacramento County.

Project-related impacts associated with increases in traffic volume under the 2025 Cumulative condition are significant and unavoidable even with implementation of mitigation measures identified in Section 3.8. Under the 2025 Cumulative condition the anticipated street system (including approved improvements) would not be able to absorb the traffic generated by long-term growth in eastern Sacramento County along with the operation of the proposed project. Therefore,

the impact of the related projects would be cumulatively considerable (i.e., significant), and the proposed project would result in a cumulatively significant incremental contribution to this cumulatively significant and unavoidable impact.

## XII. PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. As noted earlier, in Section VIII of these Findings, an alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; see also *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 715.)

Where a significant impact can be substantially lessened (i.e., mitigated to an “acceptable level”) solely by the adoption of mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the proposed project. (Pub. Resources Code, 21002; *Laurel Hills Homeowners Association, supra*, 83 Cal.App.3d at 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Association v. Regents of the University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 400-403.)

The detailed discussion in Section XI demonstrates that all significant environmental effects of the Project have been either substantially lessened or avoided through the imposition of existing policies or regulations or by the adoption of additional, formal mitigation measures recommended in the EIR. Many impacts are substantially lessened but not avoided, however, meaning that they will remain significant and unavoidable. Even so, the District has no legal obligation, in these findings, to determine whether any of the alternatives identified in the EIR are infeasible. Still, for the sake of full disclosure, the District has nevertheless included such a discussion below in the interests of full disclosure.

Even with mitigation in the form of the application of existing policies and, where feasible, the addition of formal mitigation measures, the following significant effects remain significant and unavoidable, although they have been substantially lessened:

- **Air Quality – Impact 3.2-1: Generation of Temporary, Short-Term Emissions of Criteria Pollutants and Precursors Related to Construction.** During construction of the proposed project, construction activities would generate emissions of PM<sub>10</sub> that would

exceed NAAQS and CAAQS and that, even with implementation of Mitigation Measure 3.2-1, could not be mitigated to a less-than-significant level.

- **Cultural Resources – Impact 3.4-2: Substantial Adverse Change in the Significance of a Unique Archaeological Resource or Subsurface Historical Resource under Section 15064.5.** Although no unique archaeological resources or subsurface historical resources have been identified on the project site, the potential exists for such a discovery because of the proximity of identified resources. Implementation of Mitigation Measure 3.4-2 may not mitigate impacts to historical resources to a less-than-significant level under a hypothetical scenario in which the avoidance of a substantial adverse change in the significance of such a resource is not feasible in light of project design, cost considerations, or other factors. Thus, as to subsurface historical resources, the impact is potentially significant and unavoidable.
- **Noise – Impact 3.7-1: Short-Term Increase in Noise Levels from Construction Activities.** Implementation of the proposed project would result in short-term construction activities associated with grading, building the new school, improving the roadways, and demolishing the existing school. Implementation of Mitigation Measure 3.7-1 and compliance with requirements identified in Sacramento County Code would reduce construction-generated noise levels by 15–25 dB at noise-sensitive receptors on the existing school grounds during the brief periods when extreme construction noise periods might take place during the school year, resulting in exterior noise levels between 55 dB and 65 dB. However, a conservative approach to construction noise impacts indicates that, even with implementation of Mitigation Measure 3.7-1, if students are on campus during the intense early period of construction activity during Phases 1B and 2, short-term construction-generated noise levels at the portable classrooms would be a significant and unavoidable impact.
- **Transportation and Circulation – Impact 3.8-2: Increases in Traffic Volumes Resulting in Unacceptable LOS under the 2025 with Project Condition for Intersection Operations.** Under the 2025 with Project conditions, three of the study area intersections (SR 16/Kiefer Boulevard, SR 16/Dillard Road, and SR 16/Latrobe Road) would degrade to unacceptable LOS and would exceed the County’s V/C threshold. Although Caltrans has identified the intent to construct a four-lane SR 16, this intent and Mitigation Measure 3.8-2a do not ensure that SR 16 will be widened to four lanes concurrent with the traffic increase from expanded school enrollment and identified cumulative traffic growth. To fully mitigate this impact, EGUSD would have to commit to widening SR 16 to four lanes, which is not reasonable or feasible. In addition, neither Sacramento County nor Caltrans has identified plans to improve the SR 16/Latrobe Road intersection; as a result, no program is in place to collect funds toward the improvements identified in Mitigation Measure 3.8-2b. Because funding is uncertain or unidentified to complete the necessary improvements, and because EGUSD’s fair-share contribution does not ensure implementation of the necessary improvements either before or subsequent to the future impact resulting from 2025 traffic conditions with the proposed project, this impact remains significant and unavoidable.
- **Cumulative Air Quality – Construction-Related PM<sub>10</sub> Emissions.** The proposed project and off-site elements would result in significant and unavoidable air quality

impacts related to construction even with implementation of the mitigation measures identified in Section 3.2, "Air Quality." Implementation of mitigation identified in Section 3.2 would reduce potential temporary emissions of NO<sub>x</sub> during construction to levels below SMAQMD's threshold; however, emissions of PM<sub>10</sub> would not be reduced to levels below NAAQS or CAAQS thresholds. Although construction of the proposed project would take place during 2009–2011, whereas many of the related projects would be constructed over the next 15–20 years or more, implementation of the proposed project would result in a significant impact from the generation of PM<sub>10</sub>. Therefore, the proposed project would result in a cumulatively considerable contribution to this significant and unavoidable cumulative air quality impact.

- **Cumulative Air Quality – Long-term Operational Emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub>.** The gross emissions and net increase in operational emissions of reactive organic gases (ROG), NO<sub>x</sub>, and PM<sub>10</sub> associated with implementation of the proposed project would not exceed any of the SMAQMD's operational thresholds of significance. However, emissions attributable to the proposed project and emissions from other reasonably foreseeable future projects in the SVAB as a whole would continue to contribute to long-term increases in emissions that would exacerbate existing and projected nonattainment conditions. Thus, the proposed project would result in a cumulatively considerable (and thus significant) incremental contribution to a significant and unavoidable cumulative long-term impact on air quality related to project operations.
- **Cumulative Transportation and Circulation – 2025 Operations at the SR 16/Dillard Road, SR 16/Kiefer Boulevard, and SR 16/Latrobe Road Intersections.** Project-related impacts associated with increases in traffic volume under the 2025 Cumulative condition are significant and unavoidable even with implementation of mitigation measures identified in Section 3.8 because needed improvements would be the responsibility of Caltrans and Sacramento County rather than EGUSD and, as such, EGUSD could not be certain that its fair-share contribution to the improvements would result in full mitigation of the significant impact. Under the 2025 cumulative condition, the anticipated street system (including approved improvements) would not be able to absorb the traffic generated by long-term growth in eastern Sacramento County along with the operation of the proposed project. Therefore, the impact of the related projects would be cumulatively considerable (i.e., significant), and the proposed project would result in a cumulatively significant incremental contribution to this cumulatively significant and unavoidable impact.

As noted earlier, the District has at least substantially lessened, though not necessarily avoided, all of the significant project-specific and cumulative impacts identified in the EIR for the project. As also noted above, however, the District has nevertheless chosen, for purposes of full disclosure, to assess below whether any alternatives identified in the DEIR are both feasible and environmentally superior with respect to the impacts that, though substantially lessened, nevertheless remain significant and unavoidable. (See *Laurel Hills*, *supra*, 83 Cal.App.3d at pp. 520-521 and pp. 526-527; *Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at pp. 730-731; and *Laurel Heights I*, *supra*, 47 Cal.3d at pp. 400-403; see also Pub. Resources Code, 21002.) In particular, these Findings will assess whether each alternative is feasible in light of the District's



objectives for the Project. As the following discussion will show, no identified alternative qualifies as both feasible and environmentally superior with respect to the significant and unavoidable impacts.

The District's review of project alternatives is guided primarily by the need to substantially lessen potential impacts associated with the Project, while still achieving the basic objectives of the Project. The Project objectives include the following:

- Meet the educational needs of elementary school students in the area of southeast Sacramento County served by EGUSD (as indicated by district and attendance area boundaries).
- Provide sufficient K–6 elementary school capacity to relieve school overcrowding at the existing Cosumnes River Elementary School and allow for full implementation of class size reduction.
- Improve access to school facilities for bus and parent pickup and dropoff.
- Serve as a neighborhood school that can provide safe and convenient access to educational facilities for residents of the eastern Sacramento County/Sloughhouse/Rancho Murieta community.
- Be consistent with the planning guidelines of the School Facilities Master Plan and amendments.
- Identify a site that meets California Department of Education (CDE) siting criteria and EGUSD siting guidelines (including acreage guidelines) and allows operations in accordance with CDE and EGUSD requirements to enable EGUSD to obtain state approval and funding.
- Identify an efficient and cost-effective means of increasing school capacity that will allow EGUSD to continue serving the existing school population in the interim and in the long term while being a careful steward of taxpayer funds.

(DEIR, p. 2-5.)

The District's consideration of potential alternative sites began with a preliminary review of eight sites. (DEIR, pp. 4-2 to 4-7.) The District has identified multiple criteria for the consideration of alternatives in the EIR:

- The extent to which the alternative would accomplish most of the basic objectives of the project, including suitability and feasibility under the California Department of Education's siting and safety criteria;
- The extent to which the alternative would avoid or lessen one or more of the identified significant environmental effects of the project;
- The potential feasibility of the alternative, taking into account site suitability, economic viability, availability of infrastructure, General Plan consistency, and consistency with other applicable plans and regulatory limitations;

- The appropriateness of the alternative in contributing to a reasonable range of alternatives necessary to permit a reasoned choice; and
- The requirements of the State CEQA Guidelines (Section 15126.6[e]) to consider a no-project alternative and to identify an environmentally superior alternative in addition to the no-project alternative.

(DEIR, pp. 4-1 to 4-3.) Fatal flaws occurred at many of the sites and, therefore, they were not reviewed for the purpose of the Draft EIR.

The DEIR identified the following potentially feasible alternatives to the Project:

- **No-Project (Status Quo) Alternative:** Under this alternative, the Cosumnes River Elementary School would continue to operate on a traditional (9-month) calendar and no additional capacity would be created to accommodate future students in the eastern Sacramento County/Sloughhouse/Rancho Murieta community. Currently, the existing school is at design and enrollment capacity (approximately 500 students); portable classrooms have been added and modifications have been made to the facilities over time to expand classroom and administrative space. This alternative would not involve construction of new facilities to provide additional capacity to accommodate more than 500 students. Additional students in the Cosumnes River Elementary School attendance area would likely be bused to elementary schools within 25 miles of the existing school site. (DEIR, p. 4-8)
- **No-Project (Year-Round) Alternative:** This alternative would not include construction of new facilities at the Cosumnes River Elementary School site. Additional capacity would be created by modifying the traditional 9-month calendar to a year-round calendar. Currently, the existing Cosumnes River Elementary School has a student capacity of 500 students. A year-round schedule would allow the campus to accommodate up to approximately 625 students (four tracks of students, with up to 500 students on campus and one track on vacation at any one time). Additional students in the Cosumnes River Elementary School attendance area would likely be bused to elementary schools within 25 miles of the existing school site. (DEIR, p. 4-12)
- **Reduced Site Alternative:** This alternative would involve the construction of new and expanded elementary school facilities on 5.97 acres directly adjacent to the existing Cosumnes River Elementary School for a total of 10.1 acres. During construction, existing students at the Cosumnes River Elementary School would most likely be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. Once the new school facilities are operational, the existing school facilities would be demolished. This alternative would include the proposed improvements to SR 16, Kiefer Boulevard, and the internal driveway/access road. The site plan for the Reduced Site Alternative would be similar to that of the proposed project; however, the configuration of the site would be smaller and more compact than under the proposed

project. The new school facilities would provide capacity for approximately 600-650 students (up to 750-820 students on a year-round schedule) but would not be capable of accommodating 988 students on a traditional schedule (1,235 students on a year-round schedule) as proposed for the project. (DEIR, p. 4-16)

- **Northern Site Alternative:** With this alternative, the existing Cosumnes River Elementary School facility would be abandoned and a new school would be constructed on a 10.1-acre site at the northwest corner of SR 16 and Kiefer Boulevard (Exhibit 4-2). The new school would be approximately the same size as the proposed project, would accommodate 988 students, and would operate on a traditional (9-month) calendar. This alternative would include the proposed improvements to SR 16, Kiefer Boulevard, and the internal driveway/access road. (DEIR, pp. 4-21 to 4-22)

#### **A. NO-PROJECT (STATUS QUO) ALTERNATIVE**

##### **Description**

The CEQA Guidelines require a “no project alternative” to “discuss the existing conditions [on a piece of property], as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” (CEQA Guidelines, 15126, subd. (d)(4).) Inevitably, in predicting what might happen under a “no project” scenario, a public agency must engage in some degree of speculation regarding how a particular landowner might attempt to ultimately take advantage of its current General Plan and zoning designations.

The No-Project (Status Quo) Alternative represents conditions that “would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services” (State CEQA Guidelines Section 15126.6[e][2]). Under this alternative, the Cosumnes River Elementary School would continue to operate on a traditional (9-month) calendar and no additional capacity would be created to accommodate future students in the eastern Sacramento County/Sloughhouse/Rancho Murieta community.

Currently, the school is at design and enrollment capacity (approximately 500 students); portable classrooms have been added and modifications have been made to the facilities over time to expand classroom and administrative space. This alternative would not involve construction of new facilities to provide additional capacity to accommodate more than 500 students. Additional students in the Cosumnes River Elementary School attendance area would likely be bused to elementary schools within 25 miles of the existing school site.

## **Environmentally Superior Aspects of the No-Project (Status Quo) Alternative**

Although, for CEQA purposes, the only relevant environmental impacts to address below are those that cannot be mitigated to less than significant levels under the project as proposed, the District nevertheless addresses each broad impact category for purposes of public disclosure.

### **1. Agricultural Resources**

As discussed in Section 3.1, “Agricultural Resources,” the proposed project would result in less-than-significant impacts related to the conversion of Important Farmland to nonagricultural use and cancellation or conflicts with existing Williamson Act contracts. Therefore, the No-Project (Status Quo) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Status Quo) Alternative, however, there would be no construction of new facilities and no impacts on agricultural resources would occur. Overall, there would be a decrease in agricultural resources impacts under the No-Project (Status Quo) Alternative; therefore, this alternative would result in less agricultural resources impacts than the proposed project. (DEIR, p. 4-8)

### **2. Biological Resources**

All biological resources impacts for the proposed project are considered less than significant with implementation of mitigation described in Section 3.3, “Biological Resources.” Therefore, the No-Project (Status Quo) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Status Quo) Alternative, however, there would be no construction of new facilities and no impacts on biological resources would occur. Overall, there would be a decrease in biological resources impacts under the No-Project (Status Quo) Alternative; therefore, this alternative would result in less biological resources impacts than the proposed project.

### **3. Cultural Resources**

Under the No-Project (Status Quo) Alternative, there would be no construction of new facilities and this alternative would avoid potentially significant and unavoidable impacts from potential discovery of previously unidentified unique archaeological resources or historical resources. The project as proposed, in contrast, would have a potentially significant and unavoidable effect related to the possible discovery of subsurface “historical resources” that might be subject to avoidance. Overall, there would be a decrease in cultural resources impacts under the No-Project (Status Quo) Alternative; therefore, this alternative would result in less cultural resources impacts than the proposed project.

### **4. Hazards and Hazardous Materials**

All hazards and hazardous materials impacts for the proposed project are considered less than significant either before or after implementation of mitigation identified in Section 3.5, “Hazards

and Hazardous Materials,” and through adherence to applicable federal, state, and local hazardous materials regulations. Therefore, the No-Project (Status Quo) Alternative would not reduce or avoid any significant impacts related to this issue area. The use of hazardous substances by the existing school operations would continue; however, it is assumed that the use of these materials, storage, and disposal regulations would continue to be followed.

The No-Project (Status Quo) Alternative would not include construction of new facilities; therefore, there would be less construction-related impacts associated with exposure to on-site hazardous materials during construction, exposure to asbestos-containing materials during demolition, and exposure to radon gas. Overall, there would be a short-term decrease in hazards and hazardous materials impacts under the No-Project (Status Quo) Alternative related to construction activities; therefore, this alternative would result in less hazards and hazardous materials impacts than the proposed project.

## **5. Hydrology and Water Quality**

All hydrology and water quality impacts for the proposed project are considered less than significant with implementation of mitigation identified in Section 3.6, “Hydrology and Water Quality.” Therefore, the No-Project (Status Quo) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Status Quo) Alternative, however, there would be no construction of new facilities and no impacts on hydrology and water quality would occur. Overall, there would be a decrease in hydrology and water quality impacts under the No-Project (Status Quo) Alternative; therefore, this alternative would result in less hydrology and water quality impacts than the proposed project.

## **6. Noise**

Under the No-Project (Status Quo) Alternative, there would be no construction of new facilities and this alternative would avoid significant and unavoidable impacts from short-term increases in noise levels from construction activities. Overall noise impacts associated with this alternative are considered less than what would occur under the proposed project. However, indirect impacts would also result from the district’s need to offload some students to other schools because of the failure to increase buildout capacity of the school.

## **7. Utilities and Service Systems**

All utilities impacts are considered less than significant under the proposed project. Therefore, the No-Project (Status Quo) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Status Quo) Alternative, however, there would be no construction of new facilities to provide additional capacity to accommodate more than 500 students. Under this alternative, the new groundwater well and wastewater treatment facilities would not be constructed. Overall, the demand for utilities and service system would remain the same as current conditions; therefore, this alternative would result in less utilities and service systems impacts than the proposed project. However, indirect impacts would also result

from the district's need to offload some students to other schools because of the failure to increase buildout capacity of the school.

### **Impacts That Remain Significant and Unavoidable with the No-Project (Status Quo) Alternative**

#### **1. Transportation and Circulation**

Under the No-Project (Status Quo) Alternative, additional busing and drop off and/or pick up of students would remain significant and unavoidable at the SR 16/Dillard Road, SR 16/Kiefer Boulevard, and SR 16/Latrobe Road intersections.

### **Environmentally Inferior Aspects of the No-Project (Status Quo) Alternative**

#### **1. Air Quality**

Under the No-Project (Status Quo) Alternative, there would be no construction of new facilities and this alternative would avoid significant and unavoidable impacts from generation of temporary, short-term emissions of criteria pollutants and precursors (particulate matter) related to construction. However, this alternative would require additional students in the Cosumnes River Elementary School attendance area be bused to or dropped off and/or picked up at other elementary schools within 25 miles of the existing school site. Overall, greater emissions of criteria air pollutants and precursors and carbon monoxide would likely result from additional transportation of students to and from schools farther from the existing school site. Therefore, air quality impacts under the No-Project (Status Quo) Alternative are considered greater than what would occur under the proposed project.

#### **2. Transportation and Circulation**

Under the No-Project (Status Quo) Alternative, additional students in the Cosumnes River Elementary School attendance area would most likely be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. Overall additional busing and drop off and/or pick up of students would potentially contribute to declines in levels of service of street systems in other areas of Sacramento County, as well as at the SR 16/Dillard Road, SR 16/Kiefer Boulevard, and SR 16/Latrobe Road intersections. In addition, the No-Project (Status Quo) Alternative would not result in the benefit of reducing safety hazards associated with parking or drop off and/or pick up of students along SR 16 or Kiefer Boulevard. Therefore, transportation and circulation impacts under the No-Project (Status Quo) Alternative are considered greater than what would occur under the proposed project. In addition, indirect impacts would also result from the district's need to offload some students to other schools because of the failure to increase buildout capacity of the school.

### **3. Global Climate Change**

Under the No-Project (Status Quo) Alternative, there would be no construction of new facilities; however, new students in the attendance area would be transported to other schools in the district, resulting in additional vehicle miles traveled and additional air quality emissions. Therefore, there would be an increase in greenhouse gas emissions under the No-Project (Status Quo) Alternative. This alternative would result in more cumulative greenhouse gas emission than the proposed project. In addition, indirect impacts would also result from the district's need to offload some students to other schools because of the failure to increase buildout capacity of the school.

### **3. Indirect Impacts**

Required offloading of students to other schools in the district would result in additional impacts relating to traffic, air quality, noise, utilities and service systems, and global climate change.

#### **Feasibility of the No-Project (Status Quo) Alternative**

The No-Project (Status Quo) Alternative would not meet the purpose or objectives of the proposed project, which include meeting the educational needs of elementary school students in the area of southeast Sacramento County served by EGUSD, providing safe and convenient access to educational facilities for the residents within the attendance area of Cosumnes River Elementary School, relieving overcrowding and allowing class size reduction at Cosumnes River Elementary School, providing consistency with the planning guidelines of EGUSD's School Facilities Master Plan or meeting the minimum campus size recommended by CDE or EGUSD, and improving access to school facilities for bus and parent pickup and dropoff.

The District has therefore determined that specific economic, social, and environmental considerations render the No-Project (Status Quo) Alternative infeasible. (See CEQA Guidelines, 15091, subd. (a)(3).) Under CEQA, "feasible" means "capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, 15364.) As explained above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *Sequoiah Hills, supra*, 23 Cal.App.4th at p. 715.) The No-Project (Status Quo) Alternative would not promote the objectives of the Project and would likely exacerbate the problems and conditions that the Project seeks to address (e.g., school overcrowding).

To the extent that the Project has greater environmental impacts than the No Project (Status Quo) Alternative, the District believes they are acceptable, given the great lengths taken to mitigate all environmental impacts to the extent feasible. In sum, as set forth in the Statement of Overriding Considerations set forth below, the District believes that the benefits of the Project

as proposed outweigh its environmental costs. (See *Laurel Hills*, *supra*, 83 Cal.App.3d at p. 521 (a “public agency may approve [...] a project once its significant adverse effects have been reduced to an acceptable level—that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable”).)

## **B. NO-PROJECT (YEAR-ROUND) ALTERNATIVE**

Although, for CEQA purposes, the only relevant environmental impacts to address below are those that cannot be mitigated to less than significant levels under the project as proposed, the District nevertheless addresses each broad impact category for purposes of public disclosure.

### **Description**

The No-Project (Year-Round) Alternative would not include construction of new facilities at the Cosumnes River Elementary School site. Additional capacity would be created by modifying the traditional 9-month calendar to a year-round calendar. Currently, the existing Cosumnes River Elementary School has a student capacity of 500 students. A year-round schedule would allow the campus to accommodate up to approximately 625 students (four tracks of students, with up to 500 students on campus and one track on vacation at any one time). Additional students in the Cosumnes River Elementary School attendance area would likely be bused to elementary schools within 25 miles of the existing school site.

### **Environmentally Superior Aspects of the No-Project (Year-Round) Alternative**

#### **1. Agricultural Resources**

As discussed in Section 3.1, “Agricultural Resources,” the proposed project would result in less-than-significant impacts related to the conversion of Important Farmland to nonagricultural use and cancellation or conflicts with existing Williamson Act contracts. Therefore, the No-Project (Year-Round) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Year-Round) Alternative, however, there would be no construction of new facilities and no impacts on agricultural resources would occur. Overall, there would be a decrease in agricultural resources impacts under the No-Project (Year-Round) Alternative; therefore, this alternative would result in less agricultural resources impacts than the proposed project. (DEIR, p. 4-12)

#### **2. Biological Resources**

All biological resources impacts for the proposed project are considered less than significant with implementation of mitigation described in Section 3.3, “Biological Resources.” Therefore, the No-Project (Year-Round) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Year-Round) Alternative, however, there would be no construction of new facilities and no impacts on biological resources would



occur. Overall, there would be a decrease in biological resources impacts under the No-Project (Year-Round) Alternative; therefore, this alternative would result in less biological resources impacts than the proposed project.

### **3. Cultural Resources**

Under the No-Project (Year-Round) Alternative, there would be no construction of new facilities and this alternative would avoid potentially significant and unavoidable impacts from potential discovery of previously unidentified unique archaeological resources or historical resources. The project as proposed, in contrast, would have a potentially significant and unavoidable effect related to the possible discovery of subsurface “historical resources” that might be subject to avoidance. Overall, there would be a decrease in cultural resources impacts under the No-Project (Year-Round) Alternative; therefore, this alternative would result in less cultural resources impacts than the proposed project.

### **4. Hazards and Hazardous Materials**

All hazards and hazardous materials impacts for the proposed project are considered less than significant either before or after implementation of mitigation identified in Section 3.5, “Hazards and Hazardous Materials,” and through adherence to applicable federal, state, and local hazardous materials regulations. Therefore, the No-Project (Year-Round) Alternative would not reduce or avoid any significant impacts related to this issue area. The use of hazardous substances by the existing school operations would continue; however, it is assumed that the use of these materials, storage, and disposal regulations would continue to be followed.

The No-Project (Year-Round) Alternative would not include construction of new facilities; therefore, there would be less construction-related impacts associated with exposure to on-site hazardous materials during construction, exposure to asbestos-containing materials during demolition, and exposure to radon gas. Overall, there would be a short-term decrease in hazards and hazardous materials impacts under the No-Project (Year-Round) Alternative related to construction activities; therefore, this alternative would result in less hazards and hazardous materials impacts than the proposed project.

### **5. Hydrology and Water Quality**

All hydrology and water quality impacts for the proposed project are considered less than significant with implementation of mitigation identified in Section 3.6, “Hydrology and Water Quality.” Therefore, the No-Project (Year-Round) Alternative would not reduce or avoid any significant impacts related to this issue area. Under the No-Project (Year-Round) Alternative, however, there would be no construction of new facilities and no impacts on hydrology and water quality would occur. Overall, there would be a decrease in hydrology and water quality impacts under the No-Project (Year-Round) Alternative; therefore, this alternative would result in less hydrology and water quality impacts than the proposed project.

## **6. Noise**

Under the No-Project (Year-Round) Alternative, there would be no construction of new facilities and this alternative would avoid significant and unavoidable impacts from short-term increases in noise levels from construction activities. Overall noise impacts associated with this alternative are considered less than what would occur under the proposed project. However, indirect impacts would also result from the District's need to offload some students to other schools because of the reduced buildout capacity of the school.

## **7. Utilities and Service Systems**

Under the No-Project (Year-Round) Alternative, the new groundwater well and wastewater treatment facilities would not be constructed. This alternative would allow the campus to accommodate up to approximately 625 students (four tracks of students, with up to 500 students on campus and one track on vacation at any one time). Because the campus would operate year round under this alternative, demand for utilities and service system would likely increase for the equivalent number of students; however, because the school's buildout capacity would be reduced, ultimate demand for utilities and service systems would be reduced. Therefore, this alternative would result in lesser utilities and service systems impacts than the proposed project. However, indirect impacts would also result from the district's need to offload some students to other schools because of the reduced buildout capacity of the school.

### **Impacts That Remain Significant and Unavoidable**

#### **1. Transportation and Circulation**

Under the No-Project (Year-Round) Alternative, additional busing and drop off and/or pick up of students would remain significant and unavoidable at the SR 16/Dillard Road, SR 16/Kiefer Boulevard, and SR 16/Latrobe Road intersections.

### **Environmentally Inferior Aspects of No-Project (Year-Round) Alternative**

#### **1. Air Quality**

Under the No-Project (Year-Round) Alternative, there would be no construction of new facilities and this alternative would avoid significant and unavoidable impacts from generation of temporary, short-term emissions of criteria pollutants and precursors (particulate matter) related to construction. However, a greater number of automobile trips would be generated from operating the campus year round. In addition, this alternative would require additional students in the Cosumnes River Elementary School attendance area be bused to or dropped off and/or picked up at other elementary schools within 25 miles of the existing school site. Overall, greater emissions of criteria air pollutants and precursors and carbon monoxide would likely result from transportation of students to and from schools farther from the existing school site. Therefore, air quality impacts under the No-Project (Year-Round) Alternative are considered greater than what

would occur under the proposed project. Indirect impacts would also result from the district's need to offload some students to other schools because of the reduced buildout capacity of the school.

## **2. Transportation and Circulation**

Under the No-Project (Year-Round) Alternative, a greater number of automobile trips would be generated from operating the campus year round. Additional students in the Cosumnes River Elementary School attendance area would most likely be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. Overall additional busing and drop off and/or pick up of students would potentially contribute to declines in levels of service of street systems in other areas of Sacramento County. In addition, the No-Project (Year-Round) Alternative would not result in the benefit of reducing safety hazards associated with parking or drop off and/or pick up of students along SR 16 or Kiefer Boulevard. Therefore, transportation and circulation impacts under the No-Project (Year-Round) Alternative are considered greater than what would occur under the proposed project. Indirect impacts would also result from the district's need to offload some students to other schools because of the reduced buildout capacity of the school.

## **3. Global Climate Change**

Under the No-Project (Year-Round) Alternative, there would be no construction of new facilities; however, new students in the attendance area would be transported to other schools in the district, resulting in additional vehicle miles traveled and additional air quality emissions. Therefore, there would be an increase in greenhouse gas emissions under the No-Project (Year-Round) Alternative. This alternative would result in more cumulative greenhouse gas emission than the proposed project. In addition, indirect impacts would also result from the district's need to offload some students to other schools because of the failure to increase buildout capacity of the school.

## **4. Indirect Impacts**

Required offloading of students to other schools in the district would result in additional impacts relating to traffic, air quality, noise, utilities and service systems, and global climate change.

### **Feasibility of No-Project (Year-Round) Alternative**

The No-Project (Year-Round) Alternative would meet some of the objectives of the proposed project. This alternative would partially relieve overcrowding at the Cosumnes River Elementary School and provide some additional capacity for future residents in the Cosumnes River Elementary School attendance area boundary. However, this alternative would not meet the long-term educational needs of elementary school students (kindergarten through sixth grade) in

southeast Sacramento County, would not improve access to school facilities for bus and parent pickup and dropoff, and would not be consistent with the planning guidelines of EGUSD's School Facilities Master Plan or the minimum campus size recommended by CDE or EGUSD.

For these reasons, the District has determined that specific economic, social, and environmental considerations render the No-Project (Year-Round) Alternative infeasible. (See CEQA Guidelines, 15091, subd. (a)(3).) Under CEQA, "feasible" means "capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors." (CEQA Guidelines, 15364.) As explained above, the concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar*, *supra*, 133 Cal.App.3d at p. 417; *Sequoiah Hills*, *supra*, 23 Cal.App.4th at p. 715.) The No-Project (Year-Round) Alternative would not promote some of the key objectives of the Project and would likely exacerbate the problems and conditions that the Project seeks to address (e.g., school overcrowding).

To the extent that the Project has greater environmental impacts than the No-Project (Year-Round) Alternative, the District believes they are acceptable, given the great lengths taken to mitigate all environmental impacts to the extent feasible. In sum, as set forth in the Statement of Overriding Considerations set forth below, the District believes that the benefits of the Project as proposed outweigh its environmental costs. (See *Laurel Hills*, *supra*, 83 Cal.App.3d at p. 521 (a "public agency may approve [...] a project once its significant adverse effects have been reduced to an acceptable level—that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable."))

### **C. REDUCED SITE ALTERNATIVE**

Although, for CEQA purposes, the only relevant environmental impacts to address below are those that cannot be mitigated to less than significant levels under the project as proposed, the District nevertheless addresses each broad impact category for purposes of public disclosure.

#### **Description**

The Reduced Site Alternative would involve the construction of new and expanded elementary school facilities on 5.97 acres directly adjacent to the existing Cosumnes River Elementary School for a total of 10.1 acres. During construction, existing students at the Cosumnes River Elementary School would most likely be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. Once the new school facilities are operational, the existing school facilities would be demolished. This alternative would include the proposed improvements to SR 16, Kiefer Boulevard, and the internal driveway/access road.

The site plan for the Reduced Site Alternative would be similar to that of the proposed project; however, the configuration of the site would be smaller and more compact than under the

proposed project. The new school facilities would provide capacity for approximately 600-650 students (up to 750-820 students on a year-round schedule) but would not be capable of accommodating 988 students on a traditional schedule (1,235 students on a year-round schedule) as proposed for the project.

### **Environmentally Superior Aspects of Reduced Site Alternative**

#### **1. Air Quality**

After construction, this alternative would result in fewer students than the proposed project, resulting in an overall decrease in vehicle trips per day, and long-term air quality impacts are considered less for this alternative as compared to the proposed project. Therefore, air quality impacts for students attending the school under the Reduced Site Alternative are considered less in the long term than what would occur under the proposed project.

#### **2. Biological Resources**

All biological resources impacts for the proposed project are considered less than significant with implementation of mitigation described in Section 3.3, "Biological Resources." Therefore, the Reduced Site Alternative would not reduce or avoid any significant impacts related to this issue area. The Reduced Site Alternative would construct school facilities on 5.97 additional acres (10.1 acres total) resulting in less overall development under this alternative. Therefore, this alternative would result in less biological resources impacts than the proposed project.

#### **3. Hydrology and Water Quality**

All hydrology and water quality impacts for the proposed project are considered less than significant with implementation of mitigation identified in Section 3.6, "Hydrology and Water Quality." Therefore, the Reduced Site Alternative would not reduce or avoid any significant impacts related to this issue area. The Reduced Site Alternative would construct school facilities on 5.97 additional acres (10.1 acres total) for a smaller buildout capacity of students, resulting in less overall development under this alternative. Therefore, this alternative would result in less hydrology and water quality impacts than the proposed project.

#### **4. Transportation and Circulation**

After construction, this alternative would result in fewer students than the proposed project, resulting in an overall decrease in vehicle trips per day, and long-term traffic impacts are considered less for this alternative as compared to the proposed project. In addition, the Reduced Site Alternative would result in the benefit of reducing safety hazards associated with parking or drop off and/or pick up of students along SR 16 or Kiefer Boulevard. Therefore, transportation and circulation impacts under the Reduced Site Alternative are considered less in the long term than what would occur under the proposed project.

## **Impacts That Remain Significant and Unavoidable**

### **1. Air Quality**

Under the Reduced Site Alternative, impacts related to generation of temporary, short-term emissions of criteria pollutants and precursors related to construction would be significant, similar to those of the proposed project. This alternative would not reduce or avoid the potentially significant and unavoidable air quality impact identified for the proposed project. During construction of the Reduced Site Alternative, existing students at the Cosumnes River Elementary School would be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. In the short term, greater emissions of criteria air pollutants and precursors and carbon monoxide would likely result from transportation of students to and from schools farther from the existing school site.

### **2. Cultural Resources**

Under the Reduced Site Alternative, impacts related to the potential discovery of previously unidentified unique archaeological resources or historical resources would be potentially significant, similar to those of the proposed project. This alternative would not reduce or avoid the potentially significant and unavoidable cultural resources impact identified for the proposed project. Therefore, the Reduced Site Alternative is considered to have similar impacts to the proposed project.

### **3. Noise**

Under the Reduced Site Alternative, impacts related to short-term increases in noise levels from construction activities would be significant, similar to those of the proposed project. This alternative would not reduce or avoid the significant and unavoidable noise impact identified for the proposed project. Therefore, the Reduced Site Alternative is considered to have similar impacts to the proposed project.

### **4. Transportation and Circulation**

Under the Reduced Site Alternative, additional busing and drop off and/or pick up of students would result in traffic conditions that would remain significant and unavoidable at the SR 16/Dillard Road, SR 16/Kiefer Boulevard, and SR 16/Latrobe Road intersections.

## **Environmentally Inferior Aspects of Reduced Site Alternative**

### **1. Air Quality**

During construction of the Reduced Site Alternative, existing students at the Cosumnes River Elementary School would be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. In the short term, greater emissions of criteria air pollutants and precursors and carbon monoxide would likely result from transportation of students to and from schools farther from the existing school site. Therefore, air quality impacts for students attending the school under the Reduced Site Alternative are considered greater in the short term than what would occur under the proposed project. Indirect impacts would also result from the district's need to offload some students to other schools because of the reduced buildout capacity of the school.

### **2. Transportation and Circulation**

During construction of the Reduced Site Alternative, existing students at the Cosumnes River Elementary School would be bused to or dropped off and/or picked up at elementary schools within 25 miles of the existing school site. Overall additional busing and drop off and/or pick up of students would potentially contribute to short-term temporary declines in levels of service of street systems in other areas of Sacramento County. Therefore, transportation and circulation impacts under the Reduced Site Alternative are considered greater in the short term than what would occur under the proposed project. Indirect impacts would also result from the district's need to offload some students to other schools because of the reduced buildout capacity of the school.

### **3. Indirect Impacts**

Required offloading of students to other schools in the district would result in additional impacts relating to traffic, air quality, noise, utilities and service systems, and global climate change.

## **Feasibility of Reduced Site Alternative**

The Reduced Site Alternative would be partially consistent with project objectives, although to a lesser degree than the proposed project. This alternative would relieve overcrowding at the Cosumnes River Elementary School, provide limited additional capacity for future residents in the Cosumnes River Elementary School attendance area boundary, and improve access to school facilities for bus and parent pickup and dropoff. However, this alternative would not be consistent with the planning guidelines of EGUSD's School Facilities Master Plan or the minimum campus size recommended by CDE or EGUSD. In addition, additional costs related to interim facilities and transportation for students during construction

and offloading of students once the smaller capacity of the reduced school is reached make this alternative infeasible.

For all of these reasons, the District has determined that specific economic, social, and environmental considerations render the Reduced Site Alternative infeasible. (See CEQA Guidelines, 15091, subd. (a)(3).) Under CEQA, “feasible” means “capable of being accomplished in a successful manner in a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, 15364.) As explained above, the concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar, supra*, 133 Cal.App.3d at p. 417; *Sequoyah Hills, supra*, 23 Cal.App.4th at p. 715.) The Reduced Site Alternative would not promote some of the key objectives of the Project and would likely exacerbate the problems and conditions that the Project seeks to address (e.g., school overcrowding).

To the extent that the Project has greater environmental impacts than the Reduced Site Alternative, the District believes they are acceptable, given the great lengths taken to mitigate all environmental impacts to the extent feasible. In sum, as set forth in the Statement of Overriding Considerations set forth below, the District believes that the benefits of the Project as proposed outweigh its environmental costs. (See *Laurel Hills, supra*, 83 Cal.App.3d at p. 521 (a “public agency may approve [...] a project once its significant adverse effects have been reduced to an acceptable level—that is, all avoidable damage has been eliminated and that which remains is otherwise acceptable.”).)

#### **D. NORTHERN SITE ALTERNATIVE**

Although, for CEQA purposes, the only relevant environmental impacts to address below are those that cannot be mitigated to less than significant levels under the project as proposed, the District nevertheless addresses each broad impact category for purposes of public disclosure.

##### **Description**

With the Northern Site Alternative, the existing Cosumnes River Elementary School facility would be abandoned and a new school would be constructed on a 10.1-acre site at the northwest corner of SR 16 and Kiefer Boulevard. The new school would be approximately the same size as the proposed project, would accommodate 988 students, and would operate on a traditional (9-month) calendar. This alternative would include the proposed improvements to SR 16, Kiefer Boulevard, and the internal driveway/access road.



## **Environmentally Superior Aspects of Northern Site Alternative**

### **1. Biological Resources**

All biological resources impacts for the proposed project are considered less than significant with implementation of mitigation described in Section 3.3, “Biological Resources.” Therefore, the Northern Site Alternative would not reduce or avoid any significant impacts related to this issue area. However, there would be no California tiger salamander habitat on the Northern Site Alternative site and there would be no injury or mortality to California tiger salamanders. Overall, there would be a decrease in biological resources impacts under the Northern Site Alternative; therefore, this alternative would result in less biological resources impacts than the proposed project.

## **Impacts That Remain Significant And Unavoidable**

### **1. Air Quality**

Under the Northern Site Alternative, impacts related to generation of temporary, short-term emissions of criteria pollutants and precursors related to construction would be significant, similar to those of the proposed project. This alternative would not reduce or avoid the potentially significant and unavoidable air quality impact identified for the proposed project. Therefore, the Northern Site Alternative is considered to have similar impacts to the proposed project.

### **2. Cultural Resources**

Under the Northern Site Alternative, impacts related to the potential discovery of previously unidentified unique archaeological resources or historical resources would be potentially significant, similar to those of the proposed project. This alternative would not reduce or avoid the potentially significant and unavoidable cultural resources impact identified for the proposed project. Therefore, the Northern Site Alternative is considered to have similar impacts to the proposed project.

### **3. Noise**

Under the Northern Site Alternative, impacts related to short-term increases in noise levels from construction activities would be significant, similar to those of the proposed project. This alternative would not reduce or avoid the significant and unavoidable noise impact identified for the proposed project. Therefore, the Northern Site Alternative is considered to have similar impacts to the proposed project.

### **4. Transportation and Circulation**

Under the Northern Site Alternative, the new school would be approximately the same size as the proposed project and would accommodate 988 students. Similar road improvements would be required. Impacts related to declines in levels of service at the SR 16/Dillard Road, SR 16/Kiefer Boulevard, and SR 16/Latrobe Road intersections under the 2025 with Project

condition would be significant, similar to those of the proposed project. This alternative would not reduce or avoid the significant and unavoidable transportation and circulation impact identified for the proposed project. Therefore, the Northern Site Alternative is considered to have similar impacts to the proposed project.

### **Environmentally Inferior Aspects of Northern Site Alternative**

#### **1. Agricultural Resources**

The Northern Site Alternative site is currently designated as Important Farmland by the California Department of Conservation's Farmland Mapping and Monitoring Program and is under a Williamson Act contract. Overall, there would be an increase in agricultural resources impacts under the Northern Site Alternative; therefore, this alternative would result in significant and unavoidable agricultural resources impacts not identified for the proposed project.

#### **2. Hydrology and Water Quality**

All hydrology and water quality impacts for the proposed project are considered less than significant with implementation of mitigation identified in Section 3.6, "Hydrology and Water Quality." Therefore, the Northern Site Alternative would not reduce or avoid any significant impacts related to this issue area. However, the Northern Site Alternative would require elevation above the floodplain (possibly as much as 20 feet in some places) through placement of large amounts of fill material; indirect impacts would also result from the need to identify, purchase, and transport fill material to the site. Overall, there would be an increase in hydrology and water quality impacts under the Northern Site Alternative; therefore, this alternative would result in greater hydrology and water quality impacts than the proposed project.

### **Feasibility of Northern Site Alternative**

The Northern Site Alternative would be consistent with the purpose or objectives of the proposed project. This alternative would meet the educational needs of elementary school students in the area of southeast Sacramento County served by EGUSD, provide safe and convenient access to educational facilities for the residents within the attendance area of Cosumnes River Elementary School, relieve overcrowding capacity at Cosumnes River Elementary School, provide consistency with some of the planning guidelines of EGUSD's School Facilities Master Plan, meet the minimum campus size recommended by CDE or EGUSD, and improve access to school facilities for bus and parent pickup and dropoff. However, the Northern Site Alternative would not meet the site planning requirements of locating a school outside the 100-year floodplain (unless the site is elevated), which would raise concerns with CDE siting criteria. In addition, the property owner has not indicated a willingness to sell the property to EGUSD.

It is also noteworthy that this alternative would have a significant unavoidable impact not associated with the project as proposed: loss of Important Agricultural Land. This alternative, then, is not environmentally superior to the project as proposed in the sense that it is superior

only with respect to biological impacts that can be mitigated to less than significant levels under the project but has a significant and unavoidable impact that the project would not cause. Under the circumstances, the question of whether the alternative is feasible under CEQA is legally irrelevant.

Even so, the District has determined that specific economic, social, and environmental considerations render the Northern Site Alternative infeasible. (See CEQA Guidelines, 15091, subd. (a)(3).) As noted above, the Northern Site Alternative would not meet the site planning requirements of locating a school outside the 100-year floodplain (unless the site is elevated), which would raise concerns with CDE siting criteria. In addition, the property owner has not indicated a willingness to sell the property to EGUSD, which raises the specter of a prolonged eminent domain proceeding that could take months or even years to initiate and complete. These challenges would make it very difficult, if not impossible, to construct this alternative within the same time frame that the project can be built, and time is of the essence because of current overcrowded conditions.

### **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

As set forth in the preceding sections, the District's approval of the Project will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures. Despite the occurrence of these effects, however, the District chooses to approve the Project because, in its view, the economic, social, and other benefits that the Project will produce will render the significant effects acceptable. (See Pub. Resources Code, 21081; CEQA Guidelines, 15093.)

The following statement identifies the reasons why, in the District's judgment, the benefits of the Project outweigh its unavoidable significant effects. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the District will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section (XIII), and in the document found in the Record of Proceedings, as defined in Section IV.

The District finds that the New Cosumnes River Elementary School will have the following economic, legal, social, technological, or other benefits:

#### **Provision of Educational Facilities for Growing Student Population in Southeastern Sacramento County/Sloughhouse/Rancho Murieta Area**

The Project will provide expanded elementary school capacity for the southeastern Sacramento County/Sloughhouse/Rancho Murieta area of the district, which encompasses 320

square miles of southern Sacramento County. The Project will help accommodate current overcrowding at the existing Cosumnes River Elementary School. The Project will also provide school capacity for future residential growth anticipated as a result of already approved or proposed development.

As explained in the DEIR's analysis of both No Project Alternatives, the absence of the Project would result in the continuation of extremely overcrowded conditions in the existing Cosumnes River Elementary School and the likely loss of students from the District to other educational options. There is an immediate need for additional elementary school capacity in the area, as growth in the area has been continuing for several years without new school construction or expansion. Without the Proposed Project, the quality of instruction in the existing school would suffer due to unacceptably large class sizes.

### **Consistency with Elk Grove Unified School District School Facilities Master Plan and Amendments**

The purpose of the EGUSD 1985 School Facilities Master Plan and Amendments is to allow the Board of Education to determine how and when school housing will be provided and maintained. The original Master Plan for the EGUSD was approved by the Board of Education on September 16, 1985. Following the adoption of the Master Plan, amendments were approved by the Board of Education. Recent and significant Amendments to the 1985 Master Plan include the 1995-2010 Master Plan Amendment that was approved on July 5, 1995, by the Board of Education. That Amendment included long-term projections for future growth and the number of new schools necessary to serve that growth. In addition, the Board of Education approved an amendment on September 2, 1997, in preparation for a local bond measure. Most recently, the Board of Education approved an amendment on February 4, 2002. This latest Amendment addresses the new facilities required to house student growth over the next nine years. An elementary school site located in the vicinity of this Proposed Project is identified as a need in the 2002 Amendment.

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